

FILED

AUG 12 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY al DEPUTY CLERK

1 Leah Chavez
2 6333 Pacific Ave. #355
Stockton, CA 95207
3 *Pro Se*

5 **IN THE UNITED STATES DISTRICT COURT**

6 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

7 2:22 CV 1431 TLN KJN PS

8 RUDOLFO CHAVEZ,

Case No. _____

9 Plaintiff,

10 vs.

LEAH CHAVEZ' NOTICE OF
REMOVAL

11 LEAH CHAVEZ,

12 Defendant.

14 **LEAH CHAVEZ' NOTICE OF REMOVAL**

16 PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1331, 1441, 1443,

17 and 1446, Leah Chavez hereby removes this action from The Superior Court of California,
18 County of San Joaquin to the United States District Court for the Eastern District of
19 California. In support of this Notice of Removal, Leah Chavez avers as follows:

21 **Procedural History and Plaintiff's Allegations**

23 The register of action for this matter is attached as to this Notice of Removal

24 (EXHIBIT A).

25 On August 22, 2013 Plaintiff Rudolfo Chavez filed a Petition for Dissolution of
26 Marriage in The Superior Court of California County of Alameda. On January 28, 2014
27

1 the matter was ordered transferred to The Superior Court of California, County of San
2 Joaquin. On March 20, 2015 Plaintiff Rudolfo Chavez filed an Amended Petition for
3 Dissolution in The Superior Court of California County of San Joaquin.
4

5 The uncontradicted facts relevant to the issues presented in this removal request
6 are that the parties' dissolution trial was scheduled to begin on September 10, 2019 in
7 front of the Honorable Judge Tony J. Agbayani, Jr., the judge "assigned for all purposes"
8 and the judicial officer the parties regularly appeared before. The parties filed settlement
9 conference statements before the trial was set to begin (EXHIBITS B and C).
10

11 Judge Agbayani thought it would be good if a different judge conducted the
12 settlement conference before trial, so on July 17, 2019 he set a settlement conference
13 before the Honorable Judge Linda L. Lofthus (whom the parties had never appeared in
14 front of before) for August 14, 2019 at 10:00 am which was continued on the court's own
15 motion to August 21, 2019 at 10:00 am (EXHIBIT D).
16
17

18 After the off the record settlement conference concluded Judge Lofthus, Judge
19 Lofthus clerk Lupe, the parties, Husband's attorney, and Husband's attorney's assistant
20 moved into the courtroom specifically to have the parties' settlement agreement read on
21 the record and transcribed by the court reporter in order to satisfy the requirements of
22 California Code of Civil Procedure 664.6, nothing more (EXHIBIT E).
23
24

25 After the parties were seated and by surprise without discussion about terminating
26 the parties marital status, and without notice or an opportunity to be heard on the matter,
27 the court *sua sponte* ruled to bifurcate and terminate the parties' marital status effective
28

immediately under California Rules of Court 5.390 (the statute being challenged in this removal action as unconstitutional).

Notice of Appeal as to the unconstitutional bifurcation of marital status was made on August 26, 2019 (EXHIBIT F). The parties signed a Settlement Agreement Pursuant to C.C.P. 664.6 on October 16, 2019 (EXHIBIT G). The court's *sua sponte* ruling made on August 21, 2019 terminating the parties' marital status without notice or an opportunity to be heard was recorded in the Findings and Order After Hearing filed on October 28, 2019 (EXHIBIT H).

On April 18, 2022 the Third District Court of Appeals issued its Opinion in appeal C090325, stating:

Defendant argues the “trial court denied her due process right to “notice and . . . opportunity to prepare and argue against bifurcation.” We affirm the trial court’s order.” . . . “California Rules of Court, rule 5.390(a) states that on noticed motion of a party, using form FL-300, “Request for Order,” “the stipulation of the parties, case management, *or the court’s own motion*, the court may bifurcate one or more issues to be tried separately before other issues are tried.” (Italics added.) Accordingly, the court had the authority to bifurcate and terminate the parties’ marital status on its own motion.” (EXHIBIT I).

Defendant had been actively involved in the litigation of her dissolution since the beginning and was preparing for her long awaited dissolution trial, which was set to

begin September 10, 2019 and included the issue of marital status and related protected rights (including among other property rights to be heard at trial, spousal health insurance and federal COBRA health insurance). The trial court judge was forthright in stating on the record that bifurcation and termination of marital status was not agreed upon by the parties but was her decision stating: "That was a decision I made when I was sitting here. So that wasn't part of your settlement. I thought it was, but it turns out it wasn't, but that's okay. So I made the call, and I think the record reflects that." Judge Lofthus then went on to state again on the record that she was maintaining her decision to *sua sponte* terminate the parties' marital status: "so it's clear I made that call on the status... That wasn't your agreement." (EXHIBIT E, *supra*)

Defendant asserts not only was the trial court's ruling based on an unconstitutional statute C.R.C. 5.390, but the ruling was racially discriminatory against Defendant who is African American. This assertion and Defendant's challenge of C.R.C. 5.390 termination of marital status "on the court's own motion" without first providing notice and the opportunity to be heard as unconstitutional was fully addressed in Defendants *Petition for Review in the Supreme Court of California* filed May 31, 2022, which is hereby incorporated by reference as if fully set forth herein (EXHIBIT J). Review in the Supreme Court of California was denied on July 20, 2022 (EXHIBIT K). Remittitur from Supreme Court of California back to the Superior Court of San Joaquin County issued on August 4, 2022 (EXHIBIT L).

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Grounds for Removal

This Court has original jurisdiction under 28 U.S. Code § 1331 (Federal question), which states: “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” As previously discussed, the subject matter of this case is the constitutionality of California Rules of Court 5.390 Bifurcation Statute, which reads in part: on “the court’s own motion, the court may bifurcate one or more issues to be tried separately before other issues are tried...” and the statute goes on to list under C.R.C. 5.390(b)(7) “Termination of status of a marriage or domestic partnership” as one of the issues the court can bifurcate.

Although the issue involves the decision to terminate the marital status of the parties, the issue presented for removal is not "inextricably intertwined" with the decision of the local court. The issue presented here is that C.R.C. 5.390 violates the United States Constitution's Due Process and Equal Protection clauses, and thus the federal court has subject matter jurisdiction. (*Noel v. Hall*, 341 F.3d 1148 (9th Cir. 2003))

C.R.C. 5.390 gives the court authority to terminate the marital status of individuals, which terminates their property rights, including in health and social security benefits, without *first* providing them due process of law – this is unconstitutional under Fourteenth Amendment to the United States Constitution which states “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” *U.S. Const. amend.*

This removal constitutes a legislative challenge, to the California Rules of Court 5.390, as unconstitutional.

Notice of Constitutional Challenge to a Statute

Defendant, Leah Chavez, is questioning the constitutionality of California Rules of Court 5.390, and the constitutionality of the court's authority to "bifurcate" and terminate a parties marital status, on the "court's own motion" as the statute reads, without first providing notice and an opportunity to be heard. Defendant has served notice on the Attorney General of the State of California as required by FRCP 5.1(a).

The Procedural Requirements for Removal Have Been Satisfied

Venue is proper in the Eastern District of California pursuant 28 U.S.C. 1441(a) because the action is pending in the Superior Court of California, County of San Joaquin; and pursuant to 28 U.S.C. 1391(b) (1) Defendant resides in the Eastern District of California, and pursuant to 28 U.S.C. 1391(b) (2) this is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

Under 28 U.S.C. § 1443(1) a civil action commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending if there is an action “(a)against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof...” Defendant was denied and cannot enforce in the State courts her constitutional right of due process before deprivation of marital property rights.

1 Defendant exhausted all state law remedies. When the California Supreme Court
2 made its ruling on July 20, 2022 denying Defendant's Petition for Review, the case
3 became removable under 28 U.S. Code § 1446(b)(3) which states: "*if the case stated by*
4 *the initial pleading is not removable, a notice of removal may be filed within thirty days*
5 *after receipt by the defendant, through service or otherwise, of a copy of an amended*
6 *pleading, motion, order or other paper from which it may first be ascertained that the*
7 *case is one which is or has become removable*". This case became removable when the
8 Supreme Court issued its "ruling" (order or other paper) denying Defendant's Petition for
9 Review challenging the constitutionality of C.R.C. 5.390.

10 Defendant is filing this Notice of Removal within 30 days from when the case
11 became removable after her Petition for Review was denied on July 20, 2022; and
12 Remittitur issued on August 4, 2022. This case has been timely removed.

13 Defendant, Leah Chavez, will serve written notice of this Notice of Removal on
14 adverse parties (E.D. Cal. L.R. 210(b)) and will immediately file the same with the Clerk
15 of the Superior Court of California, County of San Joaquin in accordance with 28 U.S.C. §
16 1446(d).

17 True and correct copies process, pleadings, and orders served on the defendants in
18 the action pending in the Superior Court of California, County of San Joaquin are attached
19 hereto as Exhibits (See EXHIBIT LIST below).

20 Contemporaneous with the filing of this Notice of Removal Defendant has filed a
21 Request To Use Electronic Filing Under Local Rule 133(b)(3).

1 **Non-Waiver of Defenses**
2

3 By removing this action from The Superior Court of California, County of San Joaquin,
4 Leah Chavez does not waive any defenses available to her.

5 By removing this action from The Superior Court of California, County of San Joaquin,
6 Leah Chavez does not admit any of the allegations in plaintiff's complaint.

7
8
9 **WHEREFORE**, Leah Chavez removes the above-captioned action from The
10 Superior Court of California, County of San Joaquin to the United States District Court for
11 the Eastern District of California.
12

13 Dated: August 12, 2022

14 Respectfully submitted,

15 By: _____
16 Leah Chavez

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EXHIBIT LIST

A – Register of Actions

B – Leah Chavez - Amended Settlement Conference Statement 8-7-18

C – Rudolfo Chavez - 3rd Settlement Conference Statement 10-10-18

D – Notice of Settlement Conference (Judge Lofthus) 8-14-2019, filed 7-17-19

E – Transcript – Settlement read into the record under C.C.P. 664.6, 8-21-2019

F- Notice of Appeal – C.R.C. 5.390 Bifurcation of Marital Status 8-26-2019

G – Settlement Agreement Pursuant to C.C.P. 664.6, 10-16-19

H – FOAH - Status Bifurcation 10-28-19

I – Appellate Opinion (C.R.C. 5.390 Bifurcation) - C090325 4-18-22

J – Petition for Review with the Supreme Court of California 5-28-22

K – Supreme Court of California Decision Denying Petition for Review 7-20-22

L – Remittitur from the Supreme Court of California – 8-4-22.

Dated: August 12, 2022

Respectfully submitted,

By: 

Leah Chavez

EXHIBIT A

Date	Action
Rudolfo Chavez VS Leah Chavez	
09/16/2014	Initial petition/complaint filed 8/22/13
09/16/2014	Receipt of Records Notice of transmittal of the transfer case file from Alameda County
09/16/2014	Notice of Receiving Transferred Action
09/16/2014	Proof of service by mail[PETR] Rudolfo Chavez c/o Atty Justin Tabayoyon; Notice of Receiving Transferred Action, mailed 9/16/14
09/16/2014	Proof of service by mail[RESP] Leah Chavez; Notice of Receiving Transferred Action, Copy of FW request, copy of FW order, mailed 9/16/14
09/16/2014	Fee waiver requested by **[RESP] Leah Chavez;
09/16/2014	Fee waiver granted to **[RESP] Leah Chavez;
09/25/2014	Resp's NOM to Modify Child Support, Spousal Support, other
09/25/2014	Motion re child support
09/25/2014	Motion re spousal support
09/25/2014	Resp's Civil Subpoena for Personal Appearance at trial of hearing to: Law Offices of Justin Tabayoyon
09/25/2014	Proof of service by mail[PETR] Rudolfo Chavez c/o atty Justin Tabayoyon; OAH 4/16/14 hrg, mailed 7/9/14
10/14/2014	Hearing moved by golden rod per Respondent, opposing counsel unavailable New hearing date: 11/13/2014
10/14/2014	Notice of Correction to Appellant's Notice Designating Record on Appeal
10/14/2014	Proof of service filed Notice to Consumer or Employee and Objection served on 10/03/14
10/14/2014	Proof of service filed OSC to Set Aside/Modify Support and Request for Hearing and Application to set Aside Support Order Under FC3691 served on 10/08/14
10/14/2014	Civil Subpoena for production of business records
10/14/2014	Proof of service filed-deposition subpoena for production of business records, srvd to haily ayres on 10-8-14
10/15/2014	Proof of service filed[PETR] Rudolfo Chavez; Atty srvd rfo 10/8/14
10/15/2014	Proof of service filed for Deposition Subpoena srvd Hailey Ayres for Justin Tabayoyon on 10/8/14
10/15/2014	Amended Proof of service filed for Notice to consumer srvd Cinnamin Murray for Justin Tabayoyon on 10/3/14
10/15/2014	Amended Proof of service filed for OSC to Set Aside/Modify Support and Request for Hearing srvd Hailey Ayres for Justin Tabayoyon on 10/8/14
10/16/2014	Resp's NOM to compel
10/16/2014	Proof of service by email to atty Tabayoyon on 10/16/14
10/16/2014	Proof of service filed[PETR] Rudolfo Chavez; atty srvd attachment & subpoena 10/8/14
10/24/2014	Proof of service filed;RFO;Req. for hearing to[PETR] Rudolfo Chavez;
10/28/2014	Responsive declaration to OSC or Notice of Motion[PETR] Rudolfo Chavez;
10/28/2014	Responsive declaration to OSC or Notice of Motion[PETR] Rudolfo Chavez;
11/03/2014	Resp's Reply to Atty's Responsive Declaration dated 10/21/14 and Separate Points and Authorities dated 10/21/14 to Resp's Motion to Compel
11/03/2014	Proof of service by mail[PETR] Rudolfo Chavez; served with Resp's Reply to Justin Tabayoyon's Responsive Decl and Points and Authorities in Opposition to Respondent's Motion to Compel and Resp's Reply to Petr's Responsive Decl. on
11/03/2014	Proof of service filed ATTY for [PETR] Rudolfo Chavez; electronically served with file stamped copy of the NOM and Motion to Compel, Memo of Points and Authorities adn Declaration of Leah Chavez on 10/16/14
11/03/2014	Resp's Reply to Petr's RDOM for Set Aside of Support Order
11/12/2014	Minute Order of hearing calendared for November 12, 2014
11/13/2014	MO: Motion hearing held
11/13/2014	Stipulation and Order of Approval pursuant to 259(d) CCP
11/13/2014	Appointment of Official Reporter pro Tempore

12:30 PM	1	of	24	10/26/2021
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Date	Action
Rudolfo Chavez VS Leah Chavez	
11/14/2014	Deposition subpoena for Production of business records
11/17/2014	MO: Hearing continued on party's motion New hearing date: 01/08/2015
11/17/2014	Resp's OSC contempt
11/19/2014	Resp's Amended OSC contempt
11/19/2014	Proof of service filed for Contempt srvd Rudolfo Chavez on 11/18/14
11/19/2014	Proof of service filed for Contempt Srvd the Law office of Justin Tabayoyon
11/19/2014	Proof of service filed for Demand for Production of Documents--Set One, Form Interrogatories, srvd Cheryl foti at Justin Tabayoyon Law office on 11/14/14
12/01/2014	depo subpoena srvd 11/14/14 on Legal Copy & Process service
12/01/2014	Proof of service by mail[PETR] Rudolfo Chavez; srvd amended osc 11/19/14
12/01/2014	Proof of service by mail law office of Justin Tabayoyon srvd amended osc 10/16/14
12/01/2014	Proof of service filed[PETR] Rudolfo Chavez; srvd Notice of Consumer or Employee Objection 11/14/14
12/09/2014	Substitution of attorney[PETR] Rudolfo Chavez;
12/09/2014	Notice of limited scope rep[PETR] Rudolfo Chavez;
12/16/2014	Proof of service by mail re: Motion to Compel Further Responses sent by Email to[PETR] Rudolfo Chavez;c/o atty Tabayoyon on 12/16/14
12/22/2014	MO: OSC hearing held
12/22/2014	Appointment of Official Reporter Pro Tempore
01/08/2015	Appointment of Official Reporter Pro Tempore
01/08/2015	Long cause trial
01/08/2015	MO: Hearing continued on party's motion New hearing date: 04/10/2015
01/08/2015	Case under submission with Judge McCann
01/08/2015	Amended minute order of hearing/trial calendared for January 8, 2015
01/08/2015	Amended minute order of hearing/trial calendared for January 8, 2015
01/08/2015	MO: Hearing continued on court's motion New hearing date: 01/23/2015
01/14/2015	Resp NOM Determine & Judgment on Arrearages
01/14/2015	Resp NOM Medical Sum Certain
01/14/2015	Civil Subpoena for Personal Appearance at trial of hearing re: Legal Copy & Process Service
01/15/2015	Resp's OSC contempt
01/23/2015	MO: Other hearing held
01/23/2015	MO: Hearing continued on party's motion New hearing date: 01/30/2015
01/30/2015	MO: Motion hearing held
02/06/2015	Findings & Order After Hearing: o
02/13/2015	Child support wage assignment order \$1771 CS & \$100 arrears payable to Leah Chavez
02/13/2015	Proof of service by mail - OSC -[PETR] Rudolfo Chavez; Mailed 1/15/15
02/23/2015	Pursuant to minute order dated 2/23/15. New hearing date: 02/27/2015
02/23/2015	MO: Hearing continued on plaintiff's motion New hearing date: 02/27/2015
02/23/2015	MO: OSC hearing held
02/23/2015	Application to be relieved as counsel upon completion of limited scope representation -[PETR] Rudolfo Chavez;
02/27/2015	MO: Motion hearing held
02/27/2015	MO: Hearing continued on party's motion New hearing date: 05/15/2015
02/27/2015	MO: Hearing continued on party's motion New hearing date: 05/15/2015

12:30 PM	2	of	24	10/26/2021
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Date	Action
Rudolfo Chavez VS Leah Chavez	
02/27/2015	Proof of service by mail Law Office of Justin Tabayoyon srvd Discovery Responses 1/9/15
02/27/2015	Proof of service by mail[PETR] Rudolfo Chavez; srvd foahr 11/13/15 hrg 2/26/15
03/20/2015	Amended Petition for Dissolution of Marriage
03/20/2015	Amended summons issued and filed
03/20/2015	Proof of service by mail - Amended Petition mailed to[RESP] Leah Chavez; 2/10/15
04/03/2015	Trial Brief[RESP] Leah Chavez;
04/06/2015	Proof of service filed Robt Chavez srvd for [PETR] Rudolfo Chavez; trial brief 4/3/15
04/08/2015	RESP (Leah Chavez) no longer a pro per;
04/08/2015	Substitution of attorney[RESP] Leah Chavez;
04/08/2015	Notice of limited Scope Representation[RESP] Leah Chavez;
04/10/2015	Long cause trial
04/10/2015	Case under submission with Judge McCann
04/10/2015	Appointment of Official Reporter Pro Tempore
04/22/2015	order on application to be relieved as council upon completion of limited scope representation[PETR] Rudolfo Chavez;
04/22/2015	PETR (Rudolfo Chavez) changed to pro per;
04/30/2015	Notice of Demurrer and Demurrer to Second Amended OSC are Request to Take Judicial Notice
05/13/2015	Respondent's Motion to Strike Petitioner's Demurrer; and Opposition to Petitioner's Demurrer to Respondent's OSC for Contempt and Supporting Affidavit and Request to take Judicial Notice
05/13/2015	Proof of service by mail for Resp's Motion to Strike Demurrer and Opposition to Petitioner's Demurrer
05/15/2015	MO: Other hearing held
05/15/2015	Minute Order of hearing calendared for May 15, 2015
05/15/2015	MO: Hearing continued on party's motion New hearing date: 05/29/2015
05/15/2015	MO: Hearing continued on court's motion New hearing date: 05/29/2015
05/29/2015	MO: Motion hearing held
05/29/2015	Case under submission with Judge *Agbayani*
06/05/2015	Order after hearing
06/08/2015	Certificate of Service by Mail
06/08/2015	No longer under submission with Judge McCann
06/19/2015	Resp's Notice of motion to Vacate /New Trial Reconsider
06/19/2015	Deposition Subpoena For Personal Appearance[RESP] Leah Chavez;
06/26/2015	Order after hearing
06/26/2015	Certificate of Service by Mail- 6/26/15
06/26/2015	No longer under submission with Judge
06/29/2015	deposition subpoena for personal appearance[RESP] Leah Chavez;
06/29/2015	Proof of personal service filed re: notice and motion for reconsidering of ruling holding msa srvd[PETR] Rudolfo Chavez; on 6/19/15
07/06/2015	deposition subpoena for personal appearance
07/15/2015	Deposition Subpoena for personal appearance
07/21/2015	Proof of service by mail re: Declaration of Jamila williams, Decl of James Broe, Decl of Aaron Stanley, Decl of Ariel Chavez, mailed on 7-15-15 to[PETR] Rudolfo Chavez;
07/21/2015	Declaration[RESP] Leah Chavez;
07/21/2015	Declaration Of James Broe[RESP] Leah Chavez;

Date	Action
Rudolfo Chavez VS Leah Chavez	
07/21/2015	Declaration of Jamila Williams & Aaron Stanley
07/23/2015	Case under submission with Judge **McCann
07/23/2015	MO: Motion hearing held
07/23/2015	Appointment of Official Reporter Pro Tempore
08/18/2015	Order after hearing
08/18/2015	Certificate of Service by Mail
08/18/2015	No longer under submission with Judge McCann
09/02/2015	Notice of Filing Notice of Appeal
10/13/2015	Ex Parte Application for Earnings Assignment Order filed by Chavez, Leah.
11/16/2015	Court of Appeal Letter (Unsuccessful Mediation) filed by the Superior Court, County of San Joaquin.
11/24/2015	Appellant's Notice Designating Record on Appeal - CT & RT (Unlimited Civil Case) filed by Chavez, Leah.
11/24/2015	Proof of service by Mail filed by Chavez, Leah.
11/24/2015	Proof of service by mail filed by Chavez, Leah.
11/24/2015	Proof of service by Mail filed by Chavez, Leah.
11/30/2015	Proof of Service of Mailing (Copy of Appellant's Designation mailed to Court of Appeal) by the Appeals Clerk filed by the Superior Court, County of San Joaquin.
11/30/2015	Notice of Default on Appeal filed by the Superior Court, County of San Joaquin.
11/30/2015	Proof of Service of Mailing (Notice of Default mailed to Appellant Leah Chavez) by the Appeals Clerk filed by the Superior Court, County of San Joaquin.
12/28/2015	Clerk's Estimate of Costs for Preparation of Clerk's Transcript on Appeal filed by the Superior Court, County of San Joaquin.
12/28/2015	Proof of Service of Mailing (Clerk's Estimate of Costs) by the Appeals Clerk filed by the Superior Court, County of San Joaquin.
01/19/2016	Proof of Service by Mail- Record on Appeal (Clerk's Transcript on Appeal, volumes 1-2; Reporter's Transcript on Appeal, one volume; Declaration of Kellie Griffin) filed by the Superior Court, County of San Joaquin.
01/25/2016	Income Withholding for Support entered and filed.
02/29/2016	Letter of Omission (RT only) filed by Chavez, Leah.
02/29/2016	Proof of service filed by Chavez, Leah.
03/18/2016	Proof of Service by Mail- Record on Appeal (Reporter's Supplemental Transcript) filed by the Superior Court, County of San Joaquin.
10/26/2016	Substitution of Attorney filed by Chavez, Rudolfo.
10/26/2016	Attorney, In Pro Per, retained for Rudolfo Chavez .
11/03/2016	Request to Supplement Record filed by Chavez, Leah.
11/10/2016	Proof of Service by Mail- Record on Appeal (Supplemental Transcript) filed by the Superior Court, County of San Joaquin.
04/04/2017	Substitution of Attorney filed by Chavez, Rudolfo.
04/04/2017	At-Issue Memorandum filed by Chavez, Rudolfo.
04/04/2017	Attorney, Claire Osborn, District Attorney Office of San Joaquin County retained for Rudolfo Chavez .
04/05/2017	Income and Expense Declaration filed by Chavez, Rudolfo.
04/05/2017	Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration filed by Chavez, Rudolfo.
04/11/2017	Counter At-Issue Memorandum filed by Chavez, Leah.
04/17/2017	Notice of Trial Setting
04/17/2017	Hearing regarding: Trial Setting , set for 05/22/2017 at 8:30 AM before Hon. Robin Appel in Department F2.

Date	Action
Rudolfo Chavez VS Leah Chavez	
05/10/2017	Responsive Declaration to Request for Order filed by Chavez, Leah.
05/10/2017	Proof of service filed by Chavez, Leah.
05/12/2017	RFO-Request for Order (Initial) filed by Chavez, Rudolfo.
05/12/2017	Hearing regarding: Motion for Bifurcation Pet'r's RFO to Bifurcate Marital Status, set for 06/28/2017 at 8:15 AM before Hon. Cheryl A. McCann in Department F3.
05/15/2017	Payment received by Claire Osborn in the amount of \$60.00. Receipt number 168530.
05/17/2017	hearing Dropped by Golden Rod
05/17/2017	Hearing Result: Dropped
05/18/2017	At-Issue Memorandum filed by Chavez, Rudolfo.
05/18/2017	Proof of Service of Request for Order as to Leah Chavez served on 05/17/2017 by Mailing.
05/30/2017	Counter At-Issue Memorandum filed by Chavez, Leah.
06/20/2017	Proof of Service by Mail - Civil filed by Chavez, Leah.
06/20/2017	Responsive Declaration to Request for Order (No Fee) filed by Chavez, Leah.
06/21/2017	Notice of Trial Setting filed.
06/21/2017	Hearing regarding: Trial Setting , set for 08/08/2017 at 8:30 AM before Hon. Robin Appel in Department 4A.
06/23/2017	Proof of service filed by Chavez, Rudolfo.
06/23/2017	Notice of Errata filed by Chavez, Rudolfo.
06/28/2017	Minutes finalized for Request for Order - Other held on 06/28/2017 08:15 AM .
06/28/2017	Hearing re: Request for Order - Other held on June 28, 2017.
06/28/2017	Hearing regarding: Request for Order-Initial Pet'r's RFO to bifurcate marital status, set for 08/08/2017 at 8:30 AM before Hon. Robin Appel in Department 4A.
06/28/2017	Stipulation & Order Of Approval Pursuant To 259(d) CCP for Family Support entered and filed.
07/25/2017	Responsive Declaration to Request for Order (No Fee) filed by Chavez, Leah.
08/08/2017	Minutes finalized for Request for Order-Initial held on 08/08/2017 08:15 AM .
08/08/2017	Hearing re: Request for Order-Initial held on August 8, 2017.
08/08/2017	Hearing re: Trial Setting held on August 8, 2017.
08/08/2017	Order Appointing Official Reporter Pro Tempore filed.
08/09/2017	Hearing regarding: Court Trial RE: Status, set for 08/28/2017 at 8:30 AM before Hon. Robin Appel in Department 4A.
08/15/2017	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Leah
08/15/2017	Request for Order with Temporary Orders and/or Order Shortening Time Granted and filed on 08/15/2017.
08/15/2017	Temporary Emergency (Ex Parte) Orders as to Leah Chavez Denied and filed.
08/15/2017	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
08/15/2017	Hearing regarding: Request for Order-Initial Resp's RFO Petition for Writ of Supersedeas to stay dissolution proceedings under CCP 916(a), CCP 128, or other appropriate stay, or in the alternative for OST to hear matter on or before August 25, 2017, set for 08/25/2017 at 8:15 AM before Hon. Robin Appel in Department 4A.
08/17/2017	Proof of Service of Request for Order as to Rudolfo Chavez served on 08/16/2017 by Business. \$0.00. Served By Fax.
08/25/2017	Minutes finalized for Request for Order-Initial held on 08/25/2017 08:15 AM .
08/25/2017	Hearing re: Request for Order-Initial held on August 25, 2017.
08/25/2017	Hearing Result: Vacated
08/25/2017	Order Appointing Official Reporter Pro Tempe filed by Rudolfo Chavez, Leah Chavez.
08/31/2017	Findings and Orders After Hearing as to Rudolfo Chavez, Leah Chavez Entered.

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10/26/2021

Date	Action
Rudolfo Chavez VS Leah Chavez	
09/01/2017	Notice of Gavron Admonition, filed by Chavez, Rudolfo.
09/01/2017	Proof of service filed by Chavez, Rudolfo.
09/01/2017	Proof of service filed by Chavez, Rudolfo.
09/13/2017	Order After Hearing issued/filed.
10/18/2017	Opinion/ Decision/ Order on Appeal received.
11/13/2017	Opinion/ Decision/ Order on Appeal received.
12/22/2017	At-Issue Memorandum filed by Chavez, Rudolfo.
12/29/2017	RFO-Request for Order (Initial) filed by Chavez, Rudolfo.
12/29/2017	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation, set for 01/30/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
12/29/2017	Payment received by Claire Osborn in the amount of \$60.00. Receipt number 246463.
01/02/2018	Counter At-Issue Memorandum filed by Chavez, Leah.
01/03/2018	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
01/03/2018	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
01/03/2018	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Leah
01/03/2018	Proof of Service of Request for Order as to Leah Chavez served on 01/02/2018 by Mailing.
01/03/2018	Request for Order with Temporary Orders and/or Order Shortening Time Granted and filed on 01/03/2018.
01/03/2018	Temporary Emergency (Ex Parte) Orders as to Leah Chavez Denied and filed.
01/03/2018	Hearing regarding: Request for Order-Initial Resp's RFO Drop hearing re Bifurcation currently set for 1/30/2018, court ordered STAY pending appeal C08020 in effect by order of Judge Appel 9/13/17, Temp Orders, set for 01/26/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
01/04/2018	Hearing Result: Dropped
01/04/2018	Golden Rod filed.
01/29/2018	Remittitur filed.
01/30/2018	Hearing Result: Transferred to another department
01/30/2018	Minutes finalized for Request for Order-Initial held on 01/30/2018 08:15 AM .
01/30/2018	Hearing re: Request for Order-Initial held on January 30, 2018.
01/30/2018	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation **In office we have At-Issue & Counter At-Issue. Waiting for Appeal decision before setting**, set for 01/30/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
01/30/2018	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation, set for 03/14/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
02/07/2018	Request for Joinder of Employee Benefit Plan Order filed by Chavez, Rudolfo.
02/07/2018	Pleading on Joinder Employee Benefit Plan filed by
02/07/2018	Summons for Joinder Issued and Filed
02/22/2018	Proof of service filed by Chavez, Leah.
02/22/2018	Responsive Declaration to Request for Order (No Fee) filed by Chavez, Leah.
02/28/2018	Notice of Settlement Conference
02/28/2018	Notice of Court Trial
02/28/2018	Hearing regarding: Court Trial , set for 08/14/2018 at 8:30 AM before Hon. Robin Appel in Department 4A.
03/05/2018	Declaration of prejudice pursuant to 170.6 CCP as to Judge Robin Appel filed by Leah Chavez.
03/05/2018	Declaration in Support of Motion for Peremptory Challenge filed by Chavez, Leah.

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Date	Action
Rudolfo Chavez VS Leah Chavez	
03/05/2018	Proof of service filed by Chavez, Leah.
03/08/2018	Hearing Result: Continued - Parties Motion
03/08/2018	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation, set for 04/03/2018 at 10:45 AM before Hon. Tony J. Agbayani in Department 4B.
03/08/2018	Golden Rod
03/13/2018	Declaration of Prejudice/ Peremptory Challenge Pursuant to CCP 170.6 GRANTED.
03/27/2018	Order to Show Cause and Affidavit for Contempt-Submitted submitted by Chavez, Leah
03/27/2018	Hearing regarding: OSC Re: Contempt Resp's OSC and Affidavit for Contempt, set for 04/23/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
03/28/2018	Hearing Result: Reset - Parties Motion
03/28/2018	Hearing regarding: OSC Re: Contempt Resp's OSC and Affidavit for Contempt, set for 05/21/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
03/29/2018	Memorandum of Costs After Judgment filed by Chavez, Leah.
03/29/2018	Order to Show Cause for Contempt Granted
04/02/2018	Golden Rod
04/02/2018	Hearing Result: Continued - Parties Motion
04/02/2018	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation, set for 05/23/2018 at 10:15 AM before Hon. Tony J. Agbayani in Department 4B.
04/06/2018	Reset
04/16/2018	Declaration for Issuance of Writ of Execution and Order Issued to Contra Costa County
04/16/2018	Declaration for Issuance of Writ of Execution and Order Issued to San Joaquin County
04/16/2018	Declaration for Issuance of Writ of Execution and Order Issued to Solano County
05/08/2018	Order to Show Cause Matter Reset
05/08/2018	Hearing Result: Reset - Parties Motion
05/08/2018	Hearing regarding: OSC Re: Contempt Resp's OSC and Affidavit for Contempt, set for 08/27/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
05/11/2018	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Leah
05/18/2018	Request for Order with Temporary Orders and/or Order Shortening Time Denied and filed on 05/18/2018.
05/18/2018	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
05/18/2018	Hearing regarding: Request for Order-Initial Resp's RFO Trial Setting Conference for Second Amended OSC Contempt filed 1/15/2015, set for 07/13/2018 at 9:00 AM before Hon. Tony J. Agbayani in Department 4B.
05/22/2018	Hrg of 5/23/18 is cont'd on golden rod per atty Osborn's request.
05/22/2018	Hrgs of 7/3/18 and 8/14/18 are cont'd on golden rod per atty Osborn's request.
05/22/2018	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation, set for 06/07/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
05/22/2018	Hearing regarding: Settlement Conference , set for 08/14/2018 at 8:30 AM before Hon. Robin Appel in Department 4A.
05/22/2018	Hearing regarding: Court Trial , set for 10/16/2018 at 8:30 AM before Hon. Robin Appel in Department 4A.
05/22/2018	Hearing Result: Continued - Parties Motion
05/22/2018	Hearing Result: Continued - Parties Motion
05/22/2018	Hearing Result: Continued - Parties Motion
05/23/2018	Hrg of 6/07/18 is cont'd on golden rod per atty Osborn's request

Date	Action
Rudolfo Chavez VS Leah Chavez	
05/23/2018	Hearing Result: Continued - Parties Motion
05/23/2018	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation, set for 07/11/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
06/07/2018	Findings and Orders After Hearing as to Leah Chavez and Rudolfo Chavez Entered.
07/06/2018	Proof of service filed by Chavez, Leah.
07/06/2018	Proof of service filed by Chavez, Leah.
07/11/2018	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation (filed on 12/29/2017), set for 08/14/2018 at 8:30 AM before Hon. Tony J. Agbayani in Department 4B.
07/11/2018	Minutes finalized for Request for Order-Initial held on 07/11/2018 08:15 AM .
07/11/2018	Request for Order-Initial Petr's RFO Bifurcation scheduled on 07/11/2018 at 8:15 AM has been Continued.
07/11/2018	Proof of Service of OSC and Affidavit for Contempt as to Rudolfo Chavez served on 07/11/2018 by Personal Service.
07/13/2018	Minutes finalized for Request for Order-Initial held on 07/13/2018 09:00 AM .
07/13/2018	Hearing re: Request for Order-Initial held on July 13, 2018.
07/13/2018	Hearing regarding: Request for Order-Initial Resp's RFO Trial Setting Conference for Second Amended OSC Contempt filed 1/15/2015, set for 08/03/2018 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
08/01/2018	Settlement Conference Statement filed by Chavez, Rudolfo.
08/01/2018	Proof of Service by Mail filed.
08/03/2018	Hearing regarding: Request for Order-Initial Resp's RFO Trial Setting Conference for Second Amended OSC Contempt filed 1/15/2015, set for 08/10/2018 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
08/03/2018	Minutes finalized for Request for Order-Initial held on 08/03/2018 09:30 AM .
08/03/2018	Hearing re: Request for Order-Initial held on August 3, 2018.
08/10/2018	Proof of service by mail filed.
08/10/2018	Income and Expense Declaration filed by Chavez, Rudolfo.
08/10/2018	Hearing regarding: Court Trial , set for 11/27/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
08/10/2018	Hearing regarding: Settlement Conference , set for 08/14/2018 at 8:30 AM before Hon. Tony J. Agbayani in Department 4B.
08/10/2018	Minutes finalized for Request for Order-Initial held on 08/10/2018 10:30 AM .
08/10/2018	Hearing re: Request for Order-Initial held on August 10, 2018.
08/10/2018	Hearing Result: Rescheduled
08/14/2018	Hearing regarding: Request for Order-Initial Petr's RFO Bifurcation (filed on 12/29/2017), set for 08/29/2018 at 3:00 PM before Hon. Tony J. Agbayani in Department 4B.
08/14/2018	Hearing regarding: Settlement Conference / case management conference, set for 08/29/2018 at 3:00 PM before Hon. Tony J. Agbayani in Department 4B.
08/14/2018	Minutes finalized for Request for Order-Initial held on 08/14/2018 08:30 AM .
08/14/2018	Hearing re: Request for Order-Initial held on August 14, 2018.
08/14/2018	Hearing re: Settlement Conference held on August 14, 2018.
08/16/2018	Proof of Service by Fax of Respondent's Settlement Conference Statement filed by Chavez, Leah.
08/16/2018	Respondent's Settlement Conference Statement filed.
08/17/2018	Proof of Service filed by Chavez, Leah.
08/17/2018	Amended Respondent's Settlement Conference Statement filed.
08/20/2018	RFO-Request for Order (Modification) filed by Chavez, Leah.
08/20/2018	Income and Expense Declaration filed by Chavez, Leah.
08/20/2018	Regarding spousal support.

Date	Action
Rudolfo Chavez VS Leah Chavez	
08/20/2018	Hearing regarding: Request for Order-Initial Resp.'s RFO Mod child support, spousal support, set for 09/20/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
08/20/2018	Regarding child support.
08/21/2018	Hearing regarding: Request for Order-Modification Resp.'s RFO Mod child support, spousal support, set for 09/27/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
08/21/2018	Hearing regarding: Request for Order-Modification Resp.'s RFO Mod child support, spousal support, set for 09/27/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
08/21/2018	Hearing regarding: Request for Order-Initial Resp.'s RFO motion for breach of fiduciary duty, set for 09/25/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
08/21/2018	Hrg 09/20/18 at 0815 RESET to 09/27/18 at 0815.
08/21/2018	Hearing Result: Reset - Parties Motion
08/21/2018	RFO-Request for Order (Initial) filed by Chavez, Leah.
08/24/2018	Notice of Change of Address filed by Chavez, Rudolfo.
08/27/2018	Hearing regarding: OSC Re: Contempt Resp's OSC and Affidavit for Contempt, set for 08/27/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
08/27/2018	Hearing Result: Transferred to another department
08/27/2018	Minutes finalized for OSC Re: Contempt held on 08/27/2018 08:15 AM .
08/27/2018	Hearing re: OSC Re: Contempt held on August 27, 2018.
08/27/2018	Proof of Service of Request for Order as to Rudolfo Chavez served on 08/21/2018 by Mailing.
08/29/2018	Hearing regarding: OSC Re: Contempt Appointment of Public Defender/ Arraignment on OSC re: Contempt filed on 3/27/2018, set for 09/21/2018 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
08/29/2018	Hearing regarding: Court Trial , set for 10/26/2018 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
08/29/2018	Hearing Result: Vacated
08/29/2018	Minutes finalized for OSC Re: Contempt held on 08/29/2018 03:00 PM .
08/29/2018	Hearing re: Request for Order-Initial held on August 29, 2018.
08/29/2018	Hearing re: Settlement Conference held on August 29, 2018.
09/05/2018	RFO-Request for Order (Other - No Fee) filed by Chavez, Leah.
09/05/2018	Hearing regarding: Request for Order-Initial Resp's RFO for Notice of Motion and Motion for Sanctions for Violations of CCP sec. 128.7 and Declaration of Leah Chavez, set for 10/24/2018 at 8:15 AM before Hon. Robin Appel in Department 4A.
09/05/2018	Proof of service filed by Chavez, Leah.
09/07/2018	Proof of service by mail filed by Chavez, Rudolfo.
09/07/2018	Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration filed by Chavez, Rudolfo.
09/07/2018	Supplemental Settlement Conference Statement filed by Chavez, Rudolfo.
09/10/2018	Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration filed by Chavez, Leah.
09/10/2018	Respondent's Responsive Settlement Conference Statement filed.
09/10/2018	Proof of service by mail filed by Chavez, Leah.
09/11/2018	Hearing Result: Vacated
09/20/2018	Hearing regarding: Request for Order-Modification Resp.'s RFO Mod child support, spousal support, set for 09/25/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
09/20/2018	Hearing Result: Reset - Court's Motion
09/21/2018	Hearing regarding: Request for Order-Initial Petr's RFO to have the three real estate properties appraised., set for 10/05/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.

Date	Action
Rudolfo Chavez VS Leah Chavez	
09/21/2018	Hearing regarding: Court Trial Re: OSC/CONTEMPT, set for 11/27/2018 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
09/21/2018	Hearing regarding: OSC Re: Contempt Fur. Arraignment of OSC/CONTEMPT filed on 3/27/2018, set for 12/07/2018 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
09/21/2018	Hearing regarding: Motion Petr. Motion to Dismiss OSC/Contempt filed on 1/15/2015 and other motions., set for 11/16/2018 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
09/21/2018	Hearing regarding: Request for Order-Initial Resp's RFO ost for petitioner to serve responses to respondent's request for admissions - set one., set for 10/05/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
09/21/2018	Proof of Service by Mail filed.
09/21/2018	Proof of Service by Mail filed.
09/21/2018	Proof of Service of NOM and Motion for Sanctions as to Rudolfo Chavez served on 09/21/2018 by Mailing.
09/21/2018	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Leah
09/21/2018	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Rudolfo
09/21/2018	Payment received by Claire Osborn in the amount of \$60.00. Receipt number 338407.
09/21/2018	Hearing Result: Vacated
09/21/2018	Minutes finalized for OSC Re: Contempt held on 09/21/2018 09:30 AM .
09/21/2018	Hearing re: OSC Re: Contempt held on September 21, 2018.
09/21/2018	Temporary Emergency (Ex Parte) Orders as to Leah Chavez Denied and filed.
09/21/2018	Request for Order with Temporary Orders and/or Order Shortening Time Granted and filed on 09/21/2018.
09/21/2018	Request for Order with Temporary Orders and/or Order Shortening Time Granted and filed on 09/21/2018.
09/21/2018	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
09/21/2018	Declaration re: Notice of Ex Parte Application filed by Chavez, Rudolfo.
09/24/2018	Responsive Declaration to Request for Order (No Fee) filed by Chavez, Rudolfo.
09/25/2018	Hearing Result: Transferred to another department
09/25/2018	Hearing Result: Transferred to another department
09/25/2018	Minutes finalized for Request for Order-Initial held on 09/25/2018 08:15 AM .
09/25/2018	Hearing re: Request for Order-Initial held on September 25, 2018.
09/25/2018	Hearing re: Request for Order-Modification held on September 25, 2018.
09/25/2018	Hearing regarding: Request for Order-Initial Resp.'s RFO motion for breach of fiduciary duty**170.6 as to Judge Robin Appel Granted** Also on cal in 5A on 09/27/18 at 8:15am**, set for 09/25/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
09/25/2018	Hearing regarding: Request for Order-Modification Resp.'s RFO Mod child support, spousal support, set for 09/25/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
09/25/2018	Proof of service by mail filed by Chavez, Rudolfo.
09/27/2018	Proof of Service of Request for Order as to Leah Chavez served on 09/25/2018 by Mailing.
09/27/2018	Proof of Service of Request for Order as to Rudolfo Chavez served on 09/25/2018 by Fax.
09/27/2018	Amended Responsive Declaration to Request for Order (No Fee) filed by Chavez, Rudolfo.
09/27/2018	Responsive Declaration to Request for Order (No Fee) filed by Chavez, Rudolfo.
09/27/2018	Proof of Service by Mail also via Email filed by Chavez, Rudolfo.
09/27/2018	Proof of Service By Mail also via Email filed by Chavez, Rudolfo.
10/01/2018	Amended Notice of Gavron Admonition filed by Chavez, Rudolfo.

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Date	Action
Rudolfo Chavez VS Leah Chavez	
10/01/2018	Proof of Service by mail filed by Chavez, Rudolfo.
10/02/2018	Request for Judicial Notice filed by Chavez, Rudolfo.
10/02/2018	Proof of Service by Mail filed by Chavez, Rudolfo.
10/03/2018	Petitioner's Response to Request for Admission filed.
10/03/2018	Proof of Service by Mail filed by Chavez, Rudolfo.
10/05/2018	Minutes finalized for Request for Order-Initial held on 10/05/2018 08:15 AM .
10/05/2018	Amended Minutes finalized for Request for Order-Initial held on 10/05/2018 08:15 AM .
10/05/2018	Hearing re: Request for Order-Initial held on October 5, 2018.
10/05/2018	Hearing re: Request for Order-Initial held on October 5, 2018.
10/05/2018	RFO-Request for Order (Modification) filed by Chavez, Leah.
10/05/2018	Hearing regarding: Request for Order - Other Petr's RFO motion to deem admissions admitted and for monetary sanctions, set for 11/06/2018 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
10/05/2018	Proof of service by Mail also Via Email filed by Chavez, Leah.
10/09/2018	Petitioner's Amended Response to Request for Admission filed by Chavez, Rudolfo.
10/09/2018	Proof of Service by mail of Petitioner's Amended Response to Request for Admission filed by Chavez, Rudolfo.
10/10/2018	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Leah
10/10/2018	Proof of service by mail filed by Chavez, Leah.
10/10/2018	Proof of service by mail filed by Chavez, Leah.
10/10/2018	Proof of Service of 3rd Settlement Conference Statement with Global Offer as to Leah Chavez served on 10/09/2018 by Mailing. .
10/10/2018	3rd Settlement Conference with Global Offer Statement filed by Chavez, Rudolfo.
10/10/2018	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
10/10/2018	Respondent, Leah Chavez Settlement Numbers (as Ordered by Judge Agbayani) filed.
10/10/2018	Request for Order with Temporary Orders and/or Order Shortening Time Denied and filed on 10/10/2018.
10/10/2018	Hearing regarding: Request for Order-Initial Resp's RFO ost advancing support hearing date currently set for 2/19/19., set for 11/21/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
10/22/2018	Amended Declaration in Support of Motion to Deem Admissions admitted (Set one) or Motion to Compel Further Responses to request for admission (set one) and for Monetary Sanctions filed.
10/22/2018	Separate Statement of Leah Chavez In Support of Motion to Compel Further Response to Request for Admissions (set one) or to Deem Admissions admitted and for monetary sanctions filed by Chavez, Leah.
10/22/2018	Respondent's Reply Declaration To Petitioner's Responsive Declaration and Amended Responsive Declaration to Respondent's RFO Support filed by Chavez, Leah.
10/22/2018	Amended Motion to Deem Admission filed by Chavez, Leah.
10/22/2018	Proof of service by mail filed by Chavez, Leah.
10/22/2018	Proof of service by mail filed by Chavez, Leah.
10/22/2018	Proof of service by mail filed by Chavez, Leah.
10/23/2018	Hearing regarding: Request for Order-Initial Resp's RFO for Notice of Motion and Motion for Sanctions for Violations of CCP sec. 128.7 and Declaration of Leah Chavez **170.6 as to Judge Robin Appel Granted**, set for 10/24/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
10/23/2018	Hearing Result: Transferred to another department
10/24/2018	Minutes finalized for Request for Order-Initial held on 10/24/2018 08:15 AM .
10/24/2018	Hearing re: Request for Order-Initial held on October 24, 2018.

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Date	Action
Rudolfo Chavez VS Leah Chavez	
10/26/2018	Payment received by Rudolfo Chavez in the amount of \$60.00. Receipt number 350978.
10/26/2018	RFO-Request for Order (Enforcement) filed by Chavez, Rudolfo.
10/26/2018	Stipulation to Allow Trial Judge to Conduct Settlement Conference filed by Chavez, Rudolfo.
10/26/2018	Hearing regarding: Request for Order-Enforcement Petr's RFO request for sanctions and attorney fees and to deem the respondent as a vexatious litigant, set for 11/21/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
10/26/2018	Hearing re: Court Trial held on October 26, 2018.
10/26/2018	Minutes finalized for Court Trial held on 10/26/2018 01:30 PM .
11/01/2018	Proof of Service of Request for Order as to Leah Chavez served on 10/29/2018 by Mailing. \$0.00.
11/01/2018	Payment received in the amount of \$14.00, receipt number 353159.
11/01/2018	Notice and Acknowledgment of Receipt filed by Chavez, Rudolfo.
11/02/2018	Proof of Service of RFO as to Rudolfo Chavez served on 10/26/2018 by Electronic Service.
11/06/2018	Hearing regarding: Request for Order - Other Petr's RFO motion to deem admissions admitted and for monetary sanctions, set for 11/06/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
11/06/2018	Hearing Result: Transferred to another department (4B)
11/06/2018	Minutes finalized for Request for Order - Other held on 11/06/2018 08:15 AM .
11/06/2018	Hearing re: Request for Order - Other held on November 6, 2018.
11/08/2018	Responsive Declaration to Request for Order (No Fee) filed by Chavez, Rudolfo.
11/08/2018	Proof of service by mail filed by Chavez, Rudolfo.
11/13/2018	Notice of Motion and Motion to Continue Trial Date and Motion Date and Declaration of John B. Lauper filed by Chavez, Rudolfo.
11/16/2018	Minutes finalized for Motion held on 11/16/2018 09:30 AM .
11/16/2018	Hearing re: Motion held on November 16, 2018.
11/16/2018	Respondent's Reply Declaration to Petitioner's Responsive Declaration to RFO Advancing Support Hearing Date filed.
11/16/2018	Proof of Electronic Service filed by Chavez, Leah.
11/16/2018	Hearing regarding: Motion Petr. Motion to Dismiss OSC/Contempt filed on 1/15/2015 and other motions., set for 11/27/2018 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
11/19/2018	Information to Be Corrected In the Minute Order Dated 10-24-18 as Requested by Judge Agbayani on 11-6-18 filed by Chavez, Leah.
11/19/2018	Proof of Electronic service filed by Chavez, Leah.
11/21/2018	Hearing regarding: Request for Order-Initial Resp's RFO ost advancing support hearing date currently set for 2/19/19.**170.6 as to Judge Robin Appel Granted**, set for 11/29/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
11/21/2018	Hearing regarding: Request for Order-Enforcement Petr's RFO request for sanctions and attorney fees and to deem the respondent as a vexatious litigant**170.6 as to Judge Robin Appel Granted**, set for 11/29/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
11/21/2018	Minutes finalized for Request for Order-Initial held on 11/21/2018 08:15 AM .
11/21/2018	Request for Order-Initial Resp's RFO ost advancing support hearing date currently set for 2/19/19.**170.6 as to Judge Robin Appel Granted** scheduled on 11/21/2018 at 8:15 AM has been Continued.
11/21/2018	Request for Order-Enforcement Petr's RFO request for sanctions and attorney fees and to deem the respondent as a vexatious litigant**170.6 as to Judge Robin Appel Granted** scheduled on 11/21/2018 at 8:15 AM has been Continued.
11/21/2018	Notice of Motion and Motion to Continue Trial Date and Motion Date and Declaration of John B. Lauper or in Limine Motions filed by Chavez, Rudolfo.
11/27/2018	Hearing regarding: Trial Setting Re: OSC/CONTEMPT**170.6 as to Judge Robin Appel Granted** **No POS**, set for 11/29/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.

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Date	Action
Rudolfo Chavez VS Leah Chavez	
11/27/2018	Hearing regarding: Motion Petr. Motion to Dismiss OSC/Contempt filed on 1/15/2015 and other motions., set for 11/29/2018 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
11/27/2018	Minutes finalized for Court Trial held on 11/27/2018 10:00 AM .
11/27/2018	Hearing Result: Continued - Parties Motion
11/27/2018	Hearing Result: Continued - Parties Motion
11/28/2018	Payment received in the amount of \$7.00, receipt number 361700.
11/29/2018	Hearing regarding: Request for Order-Initial Resp's RFO ost advancing support hearing date currently set for 2/19/19.**170.6 as to Judge Robin Appel Granted**, set for 12/18/2018 at 10:30 AM before Hon. Tony J. Agbayani in Department 4B.
11/29/2018	Hearing regarding: Request for Order-Enforcement Petr's RFO request for sanctions and attorney fees and to deem the respondent as a vexatious litigant**170.6 as to Judge Robin Appel Granted**, set for 12/18/2018 at 10:30 AM before Hon. Tony J. Agbayani in Department 4B.
11/29/2018	Hearing regarding: Trial Setting Re: OSC/CONTEMPT**170.6 as to Judge Robin Appel Granted** **No POS**, set for 12/07/2018 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
11/29/2018	Hearing regarding: Miscellaneous Hearing Petr. Motion to Dismiss OSC/Contempt filed on 1/15/2015 and other motion hearing setting, set for 12/07/2018 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
11/29/2018	Request for Order-Initial Resp's RFO ost advancing support hearing date currently set for 2/19/19.**170.6 as to Judge Robin Appel Granted** scheduled on 11/29/2018 at 8:15 AM has been Continued.
11/29/2018	Request for Order-Enforcement Petr's RFO request for sanctions and attorney fees and to deem the respondent as a vexatious litigant**170.6 as to Judge Robin Appel Granted** scheduled on 11/29/2018 at 8:15 AM has been Continued.
11/29/2018	Trial Setting Re: OSC/CONTEMPT**170.6 as to Judge Robin Appel Granted** **No POS** scheduled on 11/29/2018 at 8:15 AM has been Continued.
11/29/2018	Motion Petr. Motion to Dismiss OSC/Contempt filed on 1/15/2015 and other motions. scheduled on 11/29/2018 at 8:15 AM has been Continued.
11/29/2018	Minutes finalized for Request for Order-Initial held on 11/29/2018 08:15 AM .
11/29/2018	Order after Hearing filed.
12/07/2018	Minutes finalized for OSC Re: Contempt held on 12/07/2018 08:15 AM .
12/07/2018	Hearing re: OSC Re: Contempt held on December 7, 2018.
12/07/2018	Hearing re: Trial Setting held on December 7, 2018.
12/07/2018	Hearing re: Miscellaneous Hearing held on December 7, 2018.
12/07/2018	Hearing regarding: Court Trial Re: OSC/CONTEMPT, set for 01/16/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
12/11/2018	Proof of Service of Request for Order as to Leah Chavez served on 12/04/2018 by Personal Service. \$0.00.
12/13/2018	Minutes finalized for Ruling held on 12/13/2018 04:50 PM .
12/13/2018	Order After Hearing filed by Rudolfo Chavez, Leah Chavez.
12/17/2018	Proof of Personal Service of Form Interrogatories, Petitioner's Special Interrogatories, Petitioner's Demand for Production of Documents filed by Chavez, Rudolfo.
12/18/2018	Minutes finalized for Request for Order-Initial held on 12/18/2018 10:30 AM .
12/18/2018	Hearing re: Request for Order-Initial held on December 18, 2018.
12/18/2018	Hearing re: Request for Order-Enforcement held on December 18, 2018.
12/21/2018	Minutes finalized for Ruling on Submitted Matter held on 12/21/2018 01:44 PM .
12/21/2018	Order After Hearing filed by Leah Chavez, Rudolfo Chavez.
12/21/2018	Motion in Limine filed by Chavez, Rudolfo.

Date	Action
Rudolfo Chavez VS Leah Chavez	
12/31/2018	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Leah
12/31/2018	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Leah
12/31/2018	Declaration filed by Chavez, Leah.
12/31/2018	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
12/31/2018	Declaration of Leah Chavez in Support of Ex Parte Application and Notice of Motion and Motion to Correct OAH dated 12/13/2018 on Court's own Motion under CCP 473 (Re Amend, Motion to Deem Admissions Admitted) filed by Chavez, Leah.
12/31/2018	Request for Order with Temporary Orders and/or Order Shortening Time Denied and filed on 12/31/2018.
12/31/2018	Hearing regarding: Request for Order-Initial Resp.'s RFO notice of motion and motion to correct OAH dated 12-13-2018 on court's own motion or under CCP 437(d) (Re amend motion to deem admissions admited), order shortening time, set for 02/07/2019 at 9:00 AM before Hon. Tony J. Agbayani in Department 4B.
01/02/2019	Amended Request for Order with Temporary Orders and/or Order Shortening Time Denied and filed on 01/02/2019.
01/02/2019	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
01/02/2019	Hearing regarding: Request for Order-Initial Resp's Amended RFO Amended NOM and Motion to correct OAH dated 12/13/2018 on court's own motion or under CCP437(d), Re: Amend motion to deem admissions admitted, OST, set for 02/07/2019 at 9:00 AM before Hon. Tony J. Agbayani in Department 4B.
01/16/2019	Civil Supoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things a Trial Hearing and Declaration (United Parcel Service, Inc.) filed by Chavez, Leah.
01/16/2019	Civil Supoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things a Trial Hearing and Declaration (Custodian of Records (Civil) San Joaquin County Sheriff) filed by Chavez, Leah.
01/16/2019	Civil Supoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things a Trial Hearing and Declaration (J.P. Morgan Chase) filed by Chavez, Leah.
01/16/2019	Notice to Consumer or Employee and Objection (Lyft, INC.) filed by Chavez, Leah.
01/16/2019	Notice to Consumer or Employee and Objection (United Parcel Service, Inc.) filed by Chavez, Leah.
01/16/2019	Notice to Consumer or Employee and Objection (J.P. Morgan Chase) filed by Chavez, Leah.
01/16/2019	Notice to Consumer or Employee and Objection (Custodian of Records (Civil) San Joaquin County Sheriff) filed by Chavez, Leah.
01/16/2019	Civil Supoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things a Trial Hearing and Declaration (Uber Technologies, INC.) filed by Chavez, Leah.
01/16/2019	Notice to Consumer or Employee and Objection (Uber Technologies, INC.) filed by Chavez, Leah.
01/16/2019	Civil Supoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things a Trial Hearing and Declaration (Kuehne + Nagel INC.) filed by Chavez, Leah.
01/16/2019	Notice to Consumer or Employee and Objection (Kuehne + Nagel INC.) filed by Chavez, Leah.
01/16/2019	Civil Supoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things a Trial Hearing and Declaration (Lyft, INC.) filed by Chavez, Leah.
01/16/2019	Civil Supoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things a Trial Hearing and Declaration (Raiser, LLC.) filed by Chavez, Leah.
01/16/2019	Notice to Consumer or Employee and Objection (Raiser, LLC.) filed by Chavez, Leah.
01/16/2019	Proof of electronic service filed by Chavez, Leah.
01/16/2019	Proof of electronic service filed by Chavez, Leah.
01/16/2019	Hearing regarding: Court Trial re: child support and spousal support., set for 02/19/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.

Date	Action
Rudolfo Chavez VS Leah Chavez	
01/16/2019	Hearing regarding: Demurrer to OSC/Contempt filed on 3/27/2018, set for 02/13/2019 at 9:00 AM before Hon. Tony J. Agbayani in Department 4B.
01/16/2019	Minutes finalized for Court Trial held on 01/16/2019 10:00 AM .
01/16/2019	Hearing re: Court Trial held on January 16, 2019.
01/17/2019	Payment received by Claire Osborn in the amount of \$60.00. Receipt number 378170.
01/17/2019	RFO-Request for Order (Initial) filed by Chavez, Rudolfo.
01/17/2019	Hearing regarding: Request for Order-Initial Petr's RFO for Request for Order of Appointment of Vocational Evaluation of Respondent., set for 03/05/2019 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
01/24/2019	Proof of Service of Request for Order as to Leah Chavez served on 01/23/2019 by Mailing.
01/25/2019	Notice of Demurrer and Demurrer to OSC Filed March 27, 2018 filed by Chavez, Rudolfo.
01/31/2019	Minutes finalized for Ruling on Submitted Matter held on 01/31/2019 01:19 PM .
01/31/2019	Order After Hearing of 12/18/2018 filed.
02/01/2019	Payment received by Claire Osborn in the amount of \$60.00. Receipt number 383989.
02/01/2019	Petitioner's Notice of Motion and Motion to Compel Further Responses to the Request for Production of Documents (Set Two); Form Interrogatories (Set One); Special Interrogatories (Set One); and Request for Attorney Fees and Sanctions filed by Chavez, Rudolfo.
02/01/2019	Petitioner's Separate Statement in Support of Motion to Compel Further Responses to Special Interrogatories (Set One) filed by Chavez, Rudolfo.
02/01/2019	Declaration of Claire Osborn in Support of Motion to Compel Further Responses to the Request for Production of Documents (Set Two); Form Interrogatories (Set One); Special Interrogatories (Set One); and Request for Attorney Fees and Sanctions filed by Chavez, Rudolfo.
02/01/2019	Separate Statement in Support of Petitioner's Motion to Compel Further Responses to Form Interrogatories (Set One); and Request for Attorney Fees and Sanctions filed by Chavez, Rudolfo.
02/01/2019	Petitioner's Separate Statement in Support of Motion to Compel Further Responses to Demand of Production of Documents (Set Two) filed by Chavez, Rudolfo.
02/01/2019	Memorandum in Support of Petitioner's Motion and Compel Further Responses and Declaration of Claire Osborn in Support of Request for Attorney's Fees and Sanctions filed by Chavez, Rudolfo.
02/06/2019	Amended Notice of Motion filed by Chavez, Rudolfo.
02/06/2019	Hearing regarding: Motion Petr's Amended Notice of Motion and Motion to Compel Further Responses to the Request for the production of documents (set two); Form interogs (set one); Special interogs (set one); and Request for attorney fees and sanctions, set for 03/19/2019 at 9:00 AM before Hon. Tony J. Agbayani in Department 4B.
02/07/2019	Minutes finalized for Request for Order-Initial held on 02/07/2019 09:00 AM .
02/07/2019	Hearing re: Request for Order-Initial held on February 7, 2019.
02/07/2019	Hearing re: Request for Order-Initial held on February 7, 2019.
02/07/2019	Proof of service by mail filed by Chavez, Leah
02/07/2019	Respondent's Opposition to Petitioner's Demurrer to Respondent's Osc for Contempt and Supporting Affidavit Filed 3/27/18 and Request to Take Judicial Notice filed by Chavez, Leah
02/07/2019	Proof of service by mail filed by Chavez, Leah
02/11/2019	Proof of Service of Petitioner's Amended Notice of Motion and Motion to Compel Further Responses to the Request for Production of Documents (Set Two); Form Interrogatories (Set One); Special Interrogatories (Set One); Request for Attorney Fees and Sanctions, Declaration of Claire Osborn in Support of Motion to Compel Further Responses, Memorandum in Support of Petitioner's Motion to Compel Further Responses, Separate Statements in Support of Motion to Compel Further Responses filed by Chavez, Rudolfo.
02/13/2019	Hearing regarding: Demurrer to OSC/Contempt filed on 3/27/2018, set for 03/01/2019 at 9:00 AM before Hon. Tony J. Agbayani in Department 4B.

12:30 PM

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10/26/2021

Date	Action
Rudolfo Chavez VS Leah Chavez	
02/13/2019	Minutes finalized for Request for Order-Initial held on 02/13/2019 09:00 AM .
02/13/2019	Demurrer to OSC/Contempt filed on 3/27/2018 scheduled on 02/13/2019 at 9:00 AM has been Continued.
02/15/2019	Income and Expense Declaration filed by Chavez, Rudolfo.
02/15/2019	Petitioner's Supplemental Declaration in Support to Respondent's Request for Modification of Child Support and Request for Spousal Support filed by Chavez, Rudolfo.
02/19/2019	Proof of Personal Service filed by Chavez, Rudolfo.
02/19/2019	Hearing regarding: Court Trial re: child support and spousal support (Day 2), set for 03/05/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
02/19/2019	Minutes finalized for Court Trial held on 02/19/2019 10:00 AM .
02/19/2019	Amended Minutes finalized for Court Trial held on 02/19/2019 10:00 AM .
02/19/2019	Hearing re: Court Trial held on February 19, 2019.
02/21/2019	Respondent's Responsive Declaration to Petitioner's Request for Vocational Evaluation of Respondent and Employment Efforts Order Filed 1/17/2019 filed by Chavez, Leah.
02/21/2019	Respondent's Motion in Limine to Exclude Testimony and Other Evidence By Contemnor for an Order of the Court in the Support Trial, and Bar Requested Orders by Contemnor filed by Chavez, Leah.
02/21/2019	Proof of Electronic Service filed by Chavez, Leah.
02/21/2019	Proof of Electronic Service filed by Chavez, Leah.
03/01/2019	Minutes finalized for Demurrer held on 03/01/2019 09:00 AM .
03/01/2019	Hearing re: Demurrer held on March 1, 2019.
03/01/2019	Hearing regarding: Court Trial re: child support and spousal support (Day 2), set for 03/15/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
03/01/2019	Hearing Result: Vacated
03/05/2019	Hearing regarding: Request for Order-Initial Petr's RFO for Request for Order of Appointment of Vocational Evaluation of Respondent, set for 03/05/2019 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
03/05/2019	Hearing regarding: Request for Order-Initial Petr's RFO for Request for Order of Appointment of Vocational Evaluation of Respondent., set for 03/05/2019 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
03/05/2019	Minutes finalized for Request for Order-Initial held on 03/05/2019 08:15 AM .
03/05/2019	Hearing re: Request for Order-Initial held on March 5, 2019.
03/05/2019	Hearing Result: Transferred to another department
03/05/2019	Hearing Result: Vacated
03/05/2019	Order After Hearing of 3/5/2019 filed.
03/07/2019	Respondent's Memorandum of Points and Authorities in Opposition to Petitioner's Amended Motion to Compel Further Responses To the Production of Documents form interrogatories, special interrogatories filed 02/06/19 and Request for monetary sanctions against Petitioner and his counsel filed by Chavez, Leah.
03/07/2019	Respondents declaration in support of respondents Memorandum of Points and Authorities In Opposition to petitioner's Amended Motion to Compel further responses to the production of documents, form interrogatories, special interrogatories filed 02/06/19 and Request for monetary sanctions against Petitioner and his counsel filed by Chavez, Leah.
03/07/2019	Declaration Of Leah Chavez In Support Of Respondent's Notice of Motion and Motion To Correct OAH Dated 03/05/19 Under CCp 473 (Re vocational Examination and Employment Efforts Order) filed by Chavez, Leah.
03/07/2019	RFO-Request for Order (Other - No Fee) filed by Chavez, Leah.
03/07/2019	Proof of Electronic Service of filed by Chavez, Leah.
03/07/2019	Proof of Electronic Service filed by Chavez, Leah.

Date	Action
Rudolfo Chavez VS Leah Chavez	
03/07/2019	Hearing regarding: Request for Order - Other Resp' RFO NOM and Motion to Correct OAH dated 03/05/19 Under CCP473 (d) (Re Vocational Evaluation and Employment Efforts Order), set for 05/14/2019 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
03/11/2019	Respondent's Motion in Limine (set Two) Objecting to Petitioner's Supplemental Declaration and Request to Impute Income and Other Requests of Petitioner filed 2-15-2019 filed by Chavez, Leah.
03/11/2019	Declaration of Leah Chavez in Support of Respondent's Motion in Limine (Set Two) Objecting to Petitioner's Supplemental Declaration and Request to Impute Income and Other Requests of Petitioner filed 2-15-2019 filed by Chavez, Leah.
03/11/2019	Proof of Electronic Service filed by Chavez, Leah.
03/11/2019	Proof of Electronic Service filed by Chavez, Leah.
03/13/2019	Respondent's Motion in Limine (set three) to Enforce the Stipulated Order of the Court Filed 1/9/18 (CCP 664.6); Preclude Testimony in Variance of Agreement (EC623), and Preclude Petitioner's Assertion of Inconsistent Positions (EC 623); Judicial Estoppel) filed by Chavez, Leah.
03/13/2019	Declaration of Leah Chavez in Support of Respondent's Motion in Limine (set three) to Enforce the Stipulated Order of The Court filed 1/9/15 (CCP 664.6); Preclude Testimony in Variance of Agreement (EC 623), and Preclude Petitioner's Assertion of Inconsistent Positons (EC 623; Judicial Estoppel) filed by Chavez, Leah.
03/13/2019	Proof of Electronic service filed by Chavez, Leah.
03/15/2019	Minutes finalized for Ruling on Submitted Matter held on 03/15/2019 09:51 AM .
03/15/2019	Minutes finalized for Court Trial held on 03/15/2019 10:00 AM .
03/15/2019	Order After Hearing of 10/5/2018 and 11/06/2018 filed.
03/15/2019	Hearing regarding: Court Trial Day 1, set for 09/10/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
03/15/2019	Hearing regarding: Court Trial Day 2, set for 09/11/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
03/15/2019	Hearing regarding: Court Trial Day 3, set for 09/12/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
03/15/2019	Hearing regarding: Court Trial Day 4, set for 09/13/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
03/15/2019	Hearing regarding: Court Trial Day 5, set for 09/17/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
03/15/2019	Hearing re: Court Trial held on March 15, 2019.
03/19/2019	Minutes finalized for Motion held on 03/19/2019 09:00 AM .
03/19/2019	Hearing re: Motion held on March 19, 2019.
03/22/2019	Amended OSC/Contempt submitted by Chavez, Leah.
03/25/2019	Minutes finalized for Ruling on Submitted Matter held on 03/25/2019 11:28 AM .
03/25/2019	Order After Hearing of 3/1/2019 filed.
03/25/2019	Order to Show Cause for Contempt Granted
03/25/2019	Hearing regarding: OSC Re: Contempt Resp's OSC Re: Contempt, set for 04/22/2019 at 8:50 AM before Hon. Cheryl A. McCann in Department 5A.
03/28/2019	Proof of Service of Amended Order to Show Cause as to Rudolfo Chavez served on 03/26/2019 by Mailing.
03/28/2019	Proof of service by mail filed by Chavez, Rudolfo.
03/29/2019	Notice to Consumer or Employee and Objection filed by Chavez, Rudolfo.
03/29/2019	Proof of service filed by Chavez, Rudolfo.
04/02/2019	Deposition Subpoena for Production of Business Records filed by Chavez, Rudolfo.
04/02/2019	Memorandum of Points and Authorities filed by Chavez, Rudolfo.
04/02/2019	Hearing regarding: Further Order to Show Cause Arraignment on amended OSC, set for 04/05/2019 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
04/03/2019	Order After Hearing of 3/5/2019 filed.
04/05/2019	Minutes finalized for Further Order to Show Cause held on 04/05/2019 09:30 AM .

Date	Action
Rudolfo Chavez VS Leah Chavez	
04/05/2019	Hearing re: Further Order to Show Cause held on April 5, 2019.
04/05/2019	Declaration of Leah Chavez in Support of Resp's Memorandum of Points and Authorities in Opposition to Petr's Request for Property Appraisals; and Resp's Motion (CRC 5.92) for Enforcement of the Parties Settlement Agreement Under CCP 664.6 filed by Chavez, Leah.
04/05/2019	Resp's Memorandum of Points and Authorities in Oppositon to Petr's Request for Property Appraisals and Resp's Motion (CRC 5.92) for Enforcement of the Parties Settlement Agreement Under CCP 664.6 filed by Chavez, Leah.
04/08/2019	Proof of Service of Electronic Service filed by Chavez, Leah.
04/08/2019	Notice to Consumer or Employee and Objection filed by Chavez, Leah.
04/09/2019	Hearing regarding: Miscellaneous Hearing Confirmation of Trial or Plea & Resp's opposition and objection to sentence indicated for OSC contempt, set for 05/03/2019 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
04/09/2019	Hearing regarding: Court Trial Re: OSC Contempt, set for 07/30/2019 at 10:00 AM before Hon. Tony J. Agbayani in Department 4B.
04/12/2019	Hearing Result: Vacated
04/12/2019	Hearing regarding: OSC Re: Contempt Resp's OSC Re: Contempt, set for 04/22/2019 at 8:15 AM before Hon. Cheryl A. McCann in Department 5A.
04/22/2019	Minutes finalized for OSC Re: Contempt held on 04/22/2019 08:15 AM .
04/22/2019	Minutes finalized for Ruling on Submitted Matter held on 04/22/2019 10:00 AM .
04/22/2019	Hearing Result: Dropped
04/22/2019	Tentative Decision filed by Rudolfo Chavez, Leah Chavez.
05/03/2019	Hearing regarding: Miscellaneous Hearing Confirmation of Trial or Plea & Resp's opposition and objection to sentence indicated for OSC contempt, set for 05/31/2019 at 9:00 AM before Hon. Tony J. Agbayani in Department 4B.
05/03/2019	Minutes finalized for Miscellaneous Hearing held on 05/03/2019 09:30 AM .
05/03/2019	Miscellaneous Hearing Confirmation of Trial or Plea & Resp's opposition and objection to sentence indicated for OSC contempt scheduled on 05/03/2019 at 9:30 AM has been Continued.
05/07/2019	Respondent's Objections to Omissions, Ambiguities, and Inaccuracies in the Tentative Decision re Support filed 4/22/19 filed.
05/07/2019	Proof of electronic service filed by Chavez, Leah.
05/14/2019	Minutes finalized for Request for Order - Other held on 05/14/2019 08:15 AM .
05/14/2019	Request for Order - Other Resp' RFO NOM and Motion to Correct OAH dated 03/05/19 Under CCP473 (d) (Re Vocational Evaluation and Employment Efforts Order) scheduled on 05/14/2019 at 8:15 AM has been Continued.
05/14/2019	Hearing regarding: Request for Order - Other Resp' RFO NOM and Motion to Correct OAH dated 03/05/19 Under CCP473 (d) (Re Vocational Evaluation and Employment Efforts Order), set for 07/25/2019 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
05/31/2019	Minutes finalized for Miscellaneous Hearing held on 05/31/2019 09:00 AM .
05/31/2019	Hearing re: Miscellaneous Hearing held on May 31, 2019.
05/31/2019	Hearing regarding: Miscellaneous Hearing , set for 06/04/2019 at 8:15 AM before Hon. Tony J. Agbayani in Department 4B.
06/04/2019	Minutes finalized for Miscellaneous Hearing held on 06/04/2019 08:15 AM .
06/04/2019	Hearing re: Miscellaneous Hearing held on June 4, 2019.
06/05/2019	Order After Hearing of 3/19/2019 filed.
07/17/2019	Hearing regarding: Miscellaneous Hearing Tentative Decision on Marriage of Chavez, set for 07/30/2019 at 9:00 AM before Hon. Tony J. Agbayani in Department 4B.
07/17/2019	Hearing regarding: Settlement Conference , set for 08/14/2019 at 10:00 AM before Hon. Linda L. Lofthus in Department 7C.

Date	Action
Rudolfo Chavez VS Leah Chavez	
07/24/2019	Notice and Demand for A Jury Trial on All Matters to Which He is Entitled to a Jury Trial filed by Chavez, Rudolfo.
07/25/2019	Minutes finalized for Request for Order - Other held on 07/25/2019 08:15 AM .
07/25/2019	Hearing re: Request for Order - Other held on July 25, 2019.
07/25/2019	Hearing Result: Vacated
07/30/2019	Minutes finalized for Court Trial held on 07/30/2019 09:00 AM .
07/30/2019	Hearing regarding: Miscellaneous Hearing Compliance Review / See Findings and Order Regarding Contempt filed 7/30/2019., set for 11/01/2019 at 9:30 AM before Hon. Tony J. Agbayani in Department 4B.
07/30/2019	Hearing regarding: Trial Readiness Conference , set for 10/24/2019 at 8:30 AM before Hon. Linda L. Lofthus in Department 7C.
07/30/2019	Hearing regarding: Jury Trial Assignment, set for 11/01/2019 at 8:15 AM before Hon. Linda L. Lofthus in Department 7C.
07/30/2019	Hearing re: Court Trial held on July 30, 2019.
07/30/2019	Findings and Orders After Hearing as to Rudolfo Chavez, Leah Chavez Entered.
07/30/2019	Findings and Order Regarding Contempt as to Rudolfo Chavez, Leah Chavez Granted and filed.
08/05/2019	Ruling filed.
08/05/2019	Proof of Service by Mail filed by Chavez, Rudolfo.
08/14/2019	Hearing regarding: Settlement Conference , set for 08/21/2019 at 10:00 AM before Hon. Linda L. Lofthus in Department 7C.
08/14/2019	Settlement Conference scheduled on 08/14/2019 at 10:00 AM has been Continued.
08/21/2019	Minutes finalized for Settlement Conference held on 08/21/2019 10:00 AM .
08/21/2019	Minutes finalized for Settlement Conference held on 08/21/2019 10:00 AM .
08/21/2019	Minutes finalized for Settlement Conference held on 08/21/2019 10:00 AM .
08/21/2019	Hearing re: Settlement Conference held on August 21, 2019.
08/26/2019	Notice of Appeal filed by Chavez, Leah.
08/26/2019	Case status updated to Appeal.
08/27/2019	Respondent's Trial Brief filed.
08/27/2019	Proof of Electronic Service filed by Chavez, Leah .
09/03/2019	Petitioner's Trial Brief filed.
09/04/2019	Notice of Filing Notice of Appeal filed by the Superior Court, County of San Joaquin.
09/04/2019	Order filed.
09/10/2019	Minutes finalized for Court Trial held on 09/10/2019 10:00 AM .
09/10/2019	Minutes finalized for Miscellaneous Hearing held on 09/10/2019 03:30 PM .
09/10/2019	Hearing re: Court Trial held on September 10, 2019.
09/10/2019	Hearing re: Miscellaneous Hearing held on September 10, 2019.
09/10/2019	Hearing regarding: Miscellaneous Hearing clarification of 08/21 minute order, set for 09/10/2019 at 3:30 PM before Hon. Linda L. Lofthus in Department 4B.
09/10/2019	Proof of Personal Service filed by Chavez, Rudolfo.
09/11/2019	Hearing Result: Vacated
09/12/2019	Court Trial scheduled on 09/12/2019 at 10:00 AM has been Continued.
09/13/2019	Hearing re: Court Trial held on September 13, 2019.
09/13/2019	Minutes finalized for Court Trial held on 09/13/2019 01:30 PM .
09/16/2019	Respondent's Motion in Limine to Exclude Testimony and Other Evidence Related to any Vocational Examination of Respondent (Set One) filed by Chavez, Leah.

Date	Action
Rudolfo Chavez VS Leah Chavez	
09/16/2019	Declaration of Leah Chavez in Support of Respondents Motion in Limine to Exclude Testimony and Other Evidence Related to any Vocational Examination of Respondent (Set One) filed by Chavez, Leah.
09/16/2019	Proof of Electronic service filed by Chavez, Leah.
09/17/2019	Minutes finalized for Court Trial held on 09/17/2019 10:00 AM .
09/17/2019	Hearing re: Court Trial held on September 17, 2019.
10/02/2019	Proof of Service of Proof of Service as to Rudolfo Chavez served on 10/01/2019 by Electronic Service. .
10/11/2019	Proof of Service of Resp's Alternate Proposed FOAH as to Rudolfo Chavez served on 10/10/2019 by Electronic Service..
10/15/2019	Court of Appeal Order Re Unsuitability for Mediation filed by the Superior Court, County of San Joaquin.
10/16/2019	Hearing Result: Reassigned
10/16/2019	Settlement Agreement Pursuant to C.C.P. 664.6 filed by Chavez, Rudolfo.
10/21/2019	Substitution of Attorney filed by Chavez, Rudolfo.
10/24/2019	Minutes finalized for Trial Readiness Conference held on 10/24/2019 08:30 AM .
10/24/2019	Hearing re: Trial Readiness Conference held on October 24, 2019.
10/28/2019	Findings and Orders After Hearing as to Leah Chavez, Rudolfo Chavez Granted.
10/29/2019	Notice of Default on Appeal filed by the Superior Court, County of San Joaquin.
11/01/2019	Hearing Result: Transferred to another department 9a
11/01/2019	Proof of Service by Mail filed by Chavez, Leah.
11/01/2019	Proof of Electronic Service filed by Chavez, Leah
11/01/2019	Hearing regarding: Jury Trial Re: Child Support; Re: Spousal Support, set for 11/01/2019 at 1:30 PM before Hon. Xapuri Villapudua in Department 9A.
11/01/2019	Hearing regarding: Jury Trial Day 1, set for 11/05/2019 at 9:00 AM before Hon. Xapuri Villapudua in Department 9A.
11/01/2019	Minutes finalized for Miscellaneous Hearing held on 11/01/2019 09:30 AM .
11/01/2019	Minutes finalized for Jury Trial held on 11/01/2019 01:30 PM .
11/01/2019	Hearing re: Miscellaneous Hearing held on November 1, 2019.
11/01/2019	Hearing re: Jury Trial held on November 1, 2019.
11/01/2019	Appellant's Notice Designating Record on Appeal (Unlimited Civil Case) filed by Chavez, Leah.
11/01/2019	Proof of Electronic service filed by Chavez, Leah.
11/01/2019	Proof of Electronic service filed by Chavez, Leah.
11/01/2019	Proof of Service of Mailing by the Appeals Clerk filed by the Superior Court, County of San Joaquin.
11/04/2019	In Limine Motion to continu, Postpone or Recess Trial and Declaration of John B. Lauper (Due Process Clauses of US and CA Constitutions filed by Chavez, Rudolfo.
11/05/2019	Hearing regarding: Miscellaneous Hearing Further Proceedings RE: Jury Trial, set for 11/07/2019 at 9:00 AM before Hon. Xapuri Villapudua in Department 9A.
11/05/2019	Minutes finalized for Jury Trial held on 11/05/2019 09:00 AM .
11/05/2019	Minutes finalized for Jury Trial held on 11/05/2019 09:00 AM .
11/05/2019	Hearing re: Jury Trial held on November 5, 2019.
11/06/2019	Reporter's Request for Additional Funds filed by the Superior Court, County of San Joaquin.
11/07/2019	Hearing regarding: Jury Trial Day 1, set for 11/08/2019 at 10:00 AM before Hon. Xapuri Villapudua in Department 9A.
11/07/2019	Hearing re: Miscellaneous Hearing held on November 7, 2019.
11/07/2019	Minutes finalized for Miscellaneous Hearing held on 11/07/2019 09:00 AM .
11/08/2019	Hearing regarding: Jury Trial, set for 11/13/2019 at 10:00 AM before Hon. Xapuri Villapudua in Department 9A.
11/08/2019	Minutes finalized for Miscellaneous Hearing held on 11/08/2019 09:00 AM .

Date	Action
Rudolfo Chavez VS Leah Chavez	
11/08/2019	Hearing re: Jury Trial held on November 8, 2019.
11/12/2019	Family Law Judgment entered and filed. - SET ASIDE
11/12/2019	Notice of Entry of Judgment filed. - SET ASIDE
11/12/2019	Case status updated to Disposed.
11/13/2019	Hearing regarding: Jury Trial Assignment, set for 11/15/2019 at 8:15 AM before Hon. Seth R. Hoyt Jr. in Department 7C.
11/13/2019	Minutes finalized for Jury Trial held on 11/13/2019 10:00 AM .
11/13/2019	Hearing re: Jury Trial held on November 13, 2019.
11/14/2019	Hearing Result: Vacated
11/14/2019	Hearing regarding: Jury Trial Assignment, set for 11/15/2019 at 8:15 AM before Hon. Seth R. Hoyt Jr. in Department 7C.
11/15/2019	Hearing Result: Transferred to another department
11/15/2019	Hearing regarding: Jury Trial Day 1, set for 11/19/2019 at 8:30 AM before Hon. Xapuri Villapudua in Department 9A.
11/15/2019	Hearing regarding: Jury Trial Assignment, set for 11/15/2019 at 10:00 AM before Hon. Xapuri Villapudua in Department 9A.
11/15/2019	Minutes finalized for Jury Trial held on 11/15/2019 08:15 AM .
11/15/2019	Hearing re: Jury Trial held on November 15, 2019.
11/15/2019	In Limine Motions regarding Extra Security filed by Chavez, Rudolfo.
11/19/2019	Hearing regarding: Jury Trial Day 2, set for 11/20/2019 at 9:30 AM before Hon. Xapuri Villapudua in Department 9A.
11/19/2019	Minutes finalized for Jury Trial held on 11/19/2019 08:30 AM .
11/19/2019	Hearing re: Jury Trial held on November 19, 2019.
11/19/2019	Proof of Service of Judgment as to Leah Chavez served on 11/15/2019 by Mailing. \$0.00.
11/19/2019	Respondent's Motion in Limine in Opposition and Request to Strike John B. Lauper's false and Improper Motion in Limine filed 11-15-2019 and Request to Exclude Evidence (set one) filed by Chavez, Leah.
11/20/2019	Minutes finalized for Jury Trial held on 11/20/2019 09:00 AM .
11/20/2019	Declaration of John B Lauper (1) in Opposition to Respondent's Motion in Limine in Opposition and Request to Strike John B. Lauper's false and Improper Motion in Limine filed 11-15-2019 and Request to Exclude Evidence (set one) (2) Motion for Specificity as to Alleged False Statement, (3) Motion to Cite and find Respondent Leah Chavez in direct Contempt, and (4) to Perfect the Record filed.
11/20/2019	Declaration of John B Lauper in Opposition to in Limine Request for Judicial Notice filed.
11/20/2019	Hearing regarding: Jury Trial Day 3, set for 11/21/2019 at 9:00 AM before Hon. Xapuri Villapudua in Department 9A.
11/20/2019	Hearing re: Jury Trial held on November 20, 2019.
11/21/2019	Hearing regarding: Jury Trial Assignment, set for 01/10/2020 at 8:15 AM before Hon. Seth R. Hoyt Jr. in Dcpartment 7C.
11/21/2019	Minutes finalized for Jury Trial held on 11/21/2019 09:00 AM .
11/21/2019	Hearing re: Jury Trial held on November 21, 2019.
11/21/2019	Declaration and Order to Set Aside filed.
11/25/2019	Notice of Default on Appeal filed by the Superior Court, County of San Joaquin.
11/26/2019	Respondents Confirmation of Grant of Judicial Notice and Continuing and Additional Request of Judicial Notice filed by Chavez, Leah.
11/26/2019	Proof of Service of Respondents confirmation of Grant of Judicial Notice and Continuing and Additional Request of Judicial notice as to Rudolfo Chavez served on 11/25/2019 by First-Class Mailing. .
12/03/2019	Amended Appellant's Notice Designating Record on Appeal (Unlimited Civil Case) filed by Chavez, Leah.
12/03/2019	Proof of service filed by Chavez, Leah.
12/03/2019	Proof of service filed by Chavez, Leah.

Date	Action
Rudolfo Chavez VS Leah Chavez	
12/06/2019	Clerk's Estimate of Costs for Preparation of Clerk's Transcript on Appeal filed by the Superior Court, County of San Joaquin.
12/12/2019	Proof of Service by Mail- Record on Appeal filed by the Superior Court, County of San Joaquin.
01/07/2020	Motion to continue and Declaration or in Limine Motion regarding Continuance and Declaration filed by Chavez, Rudolfo.
01/09/2020	Hearing regarding: Jury Trial Assignment , set for 01/10/2020 at 8:15 AM before Hon. Seth R. Hoyt Jr. in Department 7C.
01/09/2020	Hearing Result: Vacated
01/10/2020	Hearing regarding: Trial Setting , set for 02/10/2020 at 9:00 AM before Hon. Xapuri Villapudua in Department 9A.
01/10/2020	Minutes finalized for Jury Trial held on 01/10/2020 08:15 AM .
01/10/2020	Hearing Result: Transferred to another department 9a
02/10/2020	Hearing re: Trial Setting held on February 10, 2020.
02/10/2020	Minutes finalized for Trial Setting held on 02/10/2020 09:00 AM .
02/14/2020	Hearing regarding: Court Trial Day 4, set for 03/03/2020 at 9:00 AM before Hon. Tony J. Agbayani in Department 9B.
02/14/2020	Hearing regarding: Trial Setting , set for 03/03/2020 at 8:30 AM before Hon. Tony J. Agbayani in Department 9B.
03/03/2020	Hearing re: Trial Setting held on March 3, 2020.
03/03/2020	Hearing re: Court Trial held on March 3, 2020.
03/03/2020	Minutes finalized for Court Trial held on 03/03/2020 09:00 AM .
03/03/2020	Hearing regarding: Court Trial Day 4, set for 04/02/2020 at 9:00 AM before Hon. Tony J. Agbayani in Department 9B.
03/03/2020	Hearing regarding: Trial Setting , set for 04/02/2020 at 1:30 PM before Hon. Tony J. Agbayani in Department 9B.
03/05/2020	RFO Request for Order with Temporary Orders and/or Order Shortening Time-Submitted submitted by Chavez, Leah
03/05/2020	Declaration re: Notice of ExParte Application filed by Chavez, Leah.
03/05/2020	Nonstatutory Motion to Dismiss Counts 1-45 of Second Amended OSC for Contempt or, in the Alternative for Joinder of counts filed.
03/05/2020	Hearing regarding: Request for Order-Initial Nonstatutory Motion to Dismiss Counts 1-45 of Second Amended OSC for Contempt or, in the Alternative for Joinder of Counts, set for 04/02/2020 at 1:30 PM before Hon. Tony J. Agbayani in Department 9B.
04/01/2020	Hearing regarding: Trial Setting , set for 05/11/2020 at 9:00 AM before Hon. Tony J. Agbayani in Department 9B.
04/01/2020	Court Trial Day 4 scheduled on 04/02/2020 at 9:00 AM has been Continued.
04/01/2020	Trial Setting scheduled on 04/02/2020 at 1:30 PM has been Continued.
04/01/2020	Request for Order-Initial Nonstatutory Motion to Dismiss Counts 1-45 of Second Amended OSC for Contempt or, in the Alternative for Joinder of Counts scheduled on 04/02/2020 at 1:30 PM has been Continued.
04/29/2020	Hearing regarding: Court Trial Court Trial Day 4, set for 06/15/2020 at 10:00 AM before Hon. Tony J. Agbayani in Department 9B.
04/29/2020	Hearing regarding: Request for Order-Initial Nonstatutory Motion to Dismiss Counts 1-45 of Second Amended OSC for Contempt or, in the Alternative for Joinder of Counts, set for 06/15/2020 at 10:00 AM before Hon. Tony J. Agbayani in Department 9B.
04/29/2020	Trial Setting scheduled on 05/11/2020 at 9:00 AM has been Continued.
06/04/2020	Hearing regarding: Court Trial Court Trial Day 4, set for 08/03/2020 at 10:00 AM before Hon. Tony J. Agbayani in Department 9B.
06/04/2020	Hearing regarding: Request for Order-Initial Nonstatutory Motion to Dismiss Counts 1-45 of Second Amended OSC for Contempt or, in the Alternative for Joinder of Counts, set for 08/03/2020 at 10:00 AM before Hon. Tony J. Agbayani in Department 9B.
06/04/2020	Court Trial Court Trial Day 4 scheduled on 06/15/2020 at 10:00 AM has been Continued.

Date	Action
Rudolfo Chavez VS Leah Chavez	
06/04/2020	Request for Order-Initial Nonstatutory Motion to Dismiss Counts 1-45 of Second Amended OSC for Contempt or, in the Alternative for Joinder of Counts scheduled on 06/15/2020 at 10:00 AM has been Continued.
06/22/2020	Request for Order with Temporary Orders and/or Order Shortening Time Denied and filed on 03/31/2020.
06/22/2020	Temporary Emergency (Ex Parte) Orders as to Leah Chavez Denied and filed.
06/22/2020	Declaration re: Notice of Ex Parte Application filed by Chavez, Leah.
06/22/2020	Hearing regarding: Request for Order-Initial Resp's RFO - Probation Revocation, Temp Orders, set for 07/21/2020 at 8:15 AM before Hon. Tony J. Agbayani in Department 9B.
07/06/2020	Proof of Electronic Service of Probation Revocation as to Adam Grace, Public Defender.
07/21/2020	Hearing regarding: Request for Order-Initial Resp's RFO - Probation Revocation, Temp Orders (Judge Agbayani assigned for all purposes) Petr and Resp notified of bridge line information., set for 08/03/2020 at 10:00 AM before Hon. Tony J. Agbayani in Department 9B.
07/21/2020	Hearing regarding: Court Trial Court Trial Day 4, set for 09/14/2020 at 10:00 AM before Hon. Tony J. Agbayani in Department 9B.
07/21/2020	Court Trial Court Trial Day 4 scheduled on 08/03/2020 at 10:00 AM has been Continued.
07/21/2020	Hearing re: Request for Order-Initial held on July 21, 2020.
07/21/2020	Minutes finalized for Request for Order-Initial held on 07/21/2020 08:15 AM .
08/03/2020	Hearing re: Request for Order-Initial held on August 3, 2020.
08/03/2020	Hearing re: Request for Order-Initial held on August 3, 2020.
08/03/2020	Minutes finalized for Request for Order-Initial held on 08/03/2020 10:00 AM .
08/03/2020	Hearing regarding: Trial Setting , set for 10/26/2020 at 8:30 AM before Hon. Tony J. Agbayani in Department 9B.
09/25/2020	Minutes finalized for Trial Setting held on 09/25/2020 09:00 AM .
09/25/2020	Hearing regarding: Court Trial , set for 11/23/2020 at 10:00 AM before Hon. Tony J. Agbayani in Department 9B.
09/25/2020	Order After Hearing
09/25/2020	Ruling
10/26/2020	Hearing re: Trial Setting held on October 26, 2020.
10/26/2020	Findings and Order Regarding Contempt as to Rudolfo Chavez, Leah Chavez Entered and filed.
10/26/2020	Minutes finalized for Court Trial held on 11/23/2020 10:00 AM .
11/06/2020	Declaration of Leah Chavez to Enfroce Petitioner's Probation Violation Sentence Ordered By Judge Agbayani on 09-25-2020 filed by Chavez, Leah.
11/06/2020	Proof of service filed by Chavez, Leah.
11/16/2020	Respondent's Trial Brief filed. (filed on demand)
11/16/2020	Proof of Electronic Service filed by Chavez, Leah. (filed on demand)
11/23/2020	Court Trial scheduled on 11/23/2020 at 10:00 AM has been Continued.
11/23/2020	Hearing regarding: Court Trial , set for 01/15/2021 at 10:00 AM before Hon. Tony J. Agbayani in Department 9B.
11/24/2020	Proof of Service by Mail of Trial Brief filed.
01/15/2021	Hearing re: Court Trial held on January 15, 2021.
01/15/2021	Minutes finalized for Court Trial held on 01/15/2021 10:00 AM .
03/15/2021	Minutes finalized for Ex Parte held on 03/15/2021 01:55 PM .
03/15/2021	Statement of Decision filed.
04/05/2021	Respondent's Objections to Omissions, Ambiguities, and Inaccuracies in the Tentative Decision filed 03-15-2021 filed by Chavez, Leah.
04/05/2021	Proof of service filed by Chavez, Leah.

12:30 PM

23 of 24

10/26/2021

Date	Action
Rudolfo Chavez VS Leah Chavez	
06/09/2021	Statement of Decision
07/12/2021	Payment received in the amount of \$3.00, receipt number 659361.
08/09/2021	Notice of Appeal filed by Chavez, Leah. and Proof of Service
08/11/2021	Notice of Filing Notice of Appeal filed by the Superior Court, County of San Joaquin.
08/11/2021	Notice of Default on Appeal filed by the Superior Court, County of San Joaquin.
08/11/2021	Proof of service filed by Superior Court , County of San Joaquin Default Notice.
09/01/2021	Order to Show Cause for Contempt Granted
09/01/2021	Hearing regarding: OSC Re: Contempt Resp's Order to Show Cause and Affidavit for Contempt, set for 10/15/2021 at 9:30 AM before Hon. Cheryl A. McCann in Department 5A.
09/14/2021	Court of Appeal Order Re Unsuitability for Mediation filed by the Superior Court, County of San Joaquin.
09/17/2021	Evidence presented at trial destroyed pursuant to CP1952.3.
09/28/2021	Notice of Default on Appeal filed by the Superior Court, County of San Joaquin.
10/08/2021	Request to Continue Hearing (No Fee) filed by Chavez, Leah.
10/08/2021	Hearing Result: Continued - Parties Motion *continued to 01/28/2022 per Resp's request
10/08/2021	Hearing regarding: OSC Re: Contempt Respondent's Order to Show Cause and Affidavit for Contempt * NO POS*, set for 01/28/2022 at 9:30 AM before Hon. Cheryl A. McCann in Department 5A.
10/08/2021	Order on Request to Continue Hearing filed by Leah Chavez.
10/13/2021	Appellant's Notice Designating Record on Appeal (Unlimited Civil Case) filed by Chavez, Leah.
10/25/2021	Reporter's Request for Additional Funds filed by the Superior Court, County of San Joaquin.

EXHIBIT B

1 Leah Chavez
2 6333 Pacific Ave. #355
Stockton, CA 95207
3 *In Pro Per*

FILED
SUPERIOR COURT

2018 AUG 17 AM 8:04

ROSA JUNQUEIRO, CLERK
BY RANDALL WEBER

DEPUTY

4 SUPERIOR COURT OF CALIFORNIA
5

6 SAN JOAQUIN COUNTY, UNLIMITED JURISDICTION
7

7 RUDOLFO CHAVEZ,

Case No.: FL2014-5424

8 Petitioner,

9 vs.

10 LEAH CHAVEZ,

11 Respondent
12 AMENDED RESPONDENT'S
SETTLEMENT CONFERENCE
STATEMENT

13 Date: August 29, 2018

Time: 3:00p.m.

Trial Date: October 16, 2018 at 8:30a.m.

Dept: 4B

14 PARTIES AND COUNSEL
15

16 Respondent, Leah Chavez (hereinafter referred to as "Wife"), is self represented, and
Petitioner, Rudolfo Chavez (hereinafter referred to as "Husband"), is represented by Claire
Osborn of Law Offices of Claire Osborn.

19 JURISDICTIONAL FACTS
20

The parties were married on January 5, 2001, and separated on June 21, 2012.

22 NON-ISSUES
23

1. CUSTODY

24 The parties have four minor children: Rudolfo, (17); Ariel (16); Teo (11), and Diallo (9).
25 Husband agrees that Wife has Sole Legal and Sole Physical custody of all four children.
26
27
28

AMENDED RESPONDENT'S SETTLEMENT CONFERENCE STATEMENT - 1

2. SPOUSAL SUPPORT

Husband, as the adjudicated perpetrator of domestic violence against Wife, agrees to terminate the court's jurisdiction to award him spousal support.

3. PERSONAL PROPERTY

Personal property and household furnishings have been divided to the mutual satisfaction of both parties, with no offset.

4. BANK ACCOUNTS

All bank accounts are awarded to the party in their respective names and ownership of account and no equalization of said accounts are due to the other.

5. STUDENT LOANS

Wife has a large amount of student loan debt, which she has always taken responsibility for. Husband has never paid on her debt and she is not requesting for him to pay on her debt. Wife agrees to hold Husband harmless from these debts.

6. REAL PROPERTY

Wife owns two real properties and a mobile home, as her separate property. All of the properties are titled in Wife's name alone, and all of the properties are encumbered by mortgages. None of the properties are titled in Husband's name. The real properties are a)

in Stockton; b) in San Diego, and the mobile home is c)

in San Leandro. All three properties are Wife's separate property, the Caleb Circle and Santa Maria properties Wife inherited from her grandmother during the marriage and under Family Code 770 (a)(2) are Wife's separate property; and the Ashland property was purchased before marriage and under Family Code 770 (a)(1) is also Wife's separate property. Husband

AMENDED RESPONDENT'S SETTLEMENT CONFERENCE STATEMENT - 2

1 agrees the above properties are Wife's separate property, and should be awarded as her sole and
2 separate property.

3 **7. DEBTS**

4 The parties both acknowledge the community property debts listed below:

5 Credit Card Debt

- 6
- 7 a. American Express - \$27,798
- 8 b. Bank of America - \$27, 159
- 9 c. Citibank - \$24, 797

10 Each of these accounts was used to purchase gas, groceries, clothing, entertainment, pay
11 utilities, etc. for the family during the parties marriage. These debts were from credit cards in
12 Wife's name only. Debt to be split between the parties.

13 Mortgage on 1808 Caleb Circle

14 There is currently an outstanding mortgage on the Caleb Circle property with a principal
15 balance of \$61,296.17 as of 8-13-2018, with a \$324 per month current mortgage payment. The
16 loan is in Husband's name, but Wife makes all payments.

17 **ISSUES**

18 **8. CHILD SUPPORT**

19 **9. SPOUSAL SUPPORT**

20 **10. ADDITIONAL CHILD SUPPORT FOR CHILDREN'S COLLEGE EDUCATION**

21 Husband agrees to pay $\frac{3}{4}$ and Wife agrees to pay $\frac{1}{4}$ of college tuition, fees, room and
22 board, books and supplies, personal necessities, and transportation costs on behalf of the parties
23 children while they attend college. Wife proposes, Husband and Wife pay these costs until the
24 children reach age 26, as long as they are attending college.

1 11. INSURANCE

2 a. Life Insurance

3 Wife requests Husband replace life insurance plans Husband had through his former
4 employer during marriage and through the pending dissolution, by either adding Wife and
5 children as beneficiaries to his current employers plan or purchasing new plans. Husband quit
6 his previous jobs, and was hired on at a new employer during the dissolution process but it is
7 unclear if Husband added Wife and children back on as beneficiaries. Wife requests
8 continuation of the term life insurance to protect the children while they are minors, from any
9 unforeseen tragedies that would affect the support and care of the children. This protection for
10 his children would not cost Husband anything if attained through his current employer.

13 b. Continued Health Insurance for Wife

14 Wife requests Husband continue to provide medical, dental, and vision insurance for
15 the children and Wife post-dissolution.

16 12. RETIREMENT ACCOUNTS

18 Husband and Wife were in a marriage of long duration and during that time Husband
19 failed to disclose his retirement accounts to Wife. Husband breached his fiduciary duty to Wife
20 by not disclosing his retirement accounts, including an account he held with his former employer
21 Kuehne+Nagel. Husband has a pension with his current employer UPS, Wife proposes that she
22 be awarded an equal share in Husband's UPS pension.

24 13. DEBT

25 Wife proposes that the community credit card debt (in Wife's name – listed above) be
26 split between the parties, by Husband paying the mortgage (in Husband's name – listed above)
27 and property taxes on the Caleb Circle home (\$324 per month current mortgage payment;

1 Principal Balance of \$61,296.17 as of 8-13-2018) as an offset or equalizing payment for his half
2 of the credit card debt (\$79,754 total credit card debt) (Family Code 2622(a) and (b), F.C. 2550).

3 In short, Wife proposes she take the credit card debt of \$79,754 in her name, and Husband take
4 the mortgage debt of \$61,296.17 in his name.
5

6 **14. ATTORNEY FEES**

7 Wife requests Husband pay attorney fees and costs for Wife, as she has been unable to
8 afford counsel on her own. During the marriage Wife was a homemaker and Husband worked
9 outside of the home. Husband is in a substantially better financial position than Wife, and
10 Husband has repeatedly participated in hiding assets over the years.
11

12
13 Dated: August 16, 2018

Respectfully submitted,

14 Leah Chavez,
15
16

In Pro Per



EXHIBIT C

1 Claire Osborn, SBN 197948
2 LAW OFFICE OF CLAIRE OSBORN
3 2502 Beverly Place
4 Stockton, CA 95204
5 Telephone: (209)463-4693
6 Facsimile: (209)467-5729

FILED

2018 OC 10 PM 12:16

RUDOLFO CHAVEZ
DEPUTY
Claire Osborn

5 Attorney for Petitioner
6 RUDOLFO CHAVEZ

7 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
8
9 STOCKTON, BRANCH – FAMILY LAW

10 RUDOLFO CHAVEZ,

11 Petitioner, No: FL-2014-5424

12 vs. 3RD SETTLEMENT CONFERENCE
13 STATEMENT WITH GLOBAL OFFER
14 DATE: October 9, 2018

15 LEAH CHAVEZ, DEPT: 4B

16 Respondent.

17 /
18 PARTIES AND REPRESENTATION:

19 Now comes before the Court, Petitioner, Rudolfo Chavez (hereinafter referred to as
20 “Husband”, represented by Claire Osborn of LAW OFFICE OF CLAIRE OSBORN and
21 Respondent, Leah Chavez (hereinafter referred to as “Wife”), self represented.
22

23 JURDISDICTIONAL FACTS:

24 The parties married on January 5th, 2001 This was a marriage of long duration that lasted
25 over 10 years. Preliminary Declaration of Disclosures and Final Declaration of Disclosures were
26 exchanged.
27

OCT - 9 2018

1. CUSTODY

The parties have four children

April 1st, 2013 while Wife

believes the date of separation was June 21st, 2012. As part of a *GLOBAL SETTLEMENT*, Husband requests the court to establish which date should be recognized as the official date of separation.

2. SPOUSAL SUPPORT AND CHILD SUPPORT

The court has set a bifurcated trial on February 19th, 2019, regarding Child Support and Spousal Support due to pending contempt charges against Petitioner.

3. OFFER OF SETTLEMENT

Husband has attempted to resolve this matter several times, but issues the court cannot order seem to be holding up any possible resolution. As a *GLOBAL SETTLEMENT* only to resolve the below remaining issues associated with the dissolution, Husband proposes the following:

Real Properties and Residences

Husband proposes as a *GLOBAL OFFER OF SETTLEMENT* for Wife retain the residence located at San Diego, CA and the mobile home located at San Lorenzo, CA along with any encumbrances therein and hold Husband harmless and indemnify him thereof. Husband will not request any offsets or reimbursements for these properties.

Husband has a Moore/Marsden claim in the property located at Stockton, CA with an encumbrance in his name only. Due to Wife's poor credit and creditor

1 defaults, she is unable to refinance said property in her name. Husband proposes as a *GLOBAL*
2 *SETTLEMENT* to resolve said issues in this matter that this property be sold to remove
3 Husband's name from said liability and encumbrance and the proceeds of the sale be used to
4 satisfy the outstanding community credit card debt.

5 Credit Card Debt

6 Husband proposes the Caleb property be sold and proceeds be used to satisfy the
7 community property credit card debt. Wife recently provided documents to Husband showing
8 the maximum amount of community credit card debt is \$59,596.21. Husband disputes some of
9 this as being community debt and/or contends Wife failed to mitigate some of this debt in breach
10 of her fiduciary duty to Husband.

11 Retirement Funds

12 Husband shall retain the Kuehne + Nagel 401(k) Plan account with a date of separation
13 balance on this account was \$630.59. There were never any contributions to Husband's Home
14 Depot Retirement Fund or his Sherwin Williams Retirement Fund. Husband will retain his
15 separate property retirement from United Postal Service as he began this job post-separation.

16 Bank Accounts:

17 Wife shall retain the balance of the community bank accounts which had a date of
18 separation balance of greater than \$5,000.00 as her sole and separate property. Husband will
19 waive any off-sets if there is a global settlement as to all the remaining issues.

20 ///

21 ///

22 ///

23 ///

24

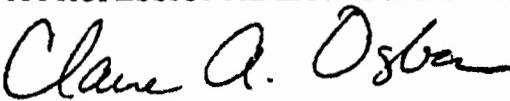
1 Attorney Fees:

2 Husband and Wife will each bear responsibility for the payment of all of their own
3 attorney's fees and costs incurred in connection with the negotiation, preparation and execution
4 of this agreement and throughout the pending proceeding for dissolution of marriage.

5
6
7 Dated: October 9, 2018

8
9 Respectfully submitted,

10
11 LAW OFFICE OF CLAIRE OSBORN
12 A PROFESSIONAL LAW CORPORATION

13 

14

Claire Osborn
Attorney for Petitioner

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EXHIBIT D

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN 180 E Weber Avenue 180 E Weber Avenue Stockton , CA 95202	<small>FOR COURT USE ONLY</small>
Rudolfo Chavez VS Leah Chavez	
NOTICE OF SETTLEMENT CONFERENCE	CASE NUMBER: STA-FL-DWC-2014-0005424

Please take notice that a Settlement Conference has been scheduled on 08/14/2019 at 10:00 AM in Department 7C of this court, located at 180 E Weber Avenue Stockton.

Rosa Junqueiro, Clerk of the Court

Date: 07/17/2019

By: Esperanza Scurini, Deputy

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause. I certify that a true copy was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at Stockton, California, on 07/17/2019.

By: Esperanza Scurini, Deputy Clerk

Claire Osborn
 5250 Clairmont Ave, Ste 150
 Stockton CA 95207

Leah Chavez
 6333 Pacific Ave #355
 Stockton CA 95207

EXHIBIT E

1 Case No. FL-DWC-2014-0005424

C090325

2

3

4 COURT OF APPEAL OF THE STATE OF CALIFORNIA
5 THIRD APPELLATE DISTRICT

6 -----o0o-----

7 Appeal from the Superior Court of San Joaquin County
8 HON. LINDA LOFTHUS, Judge

9 -----o0o-----

10 RUDOLFO CHAVEZ,)
11 Petitioner/Respondent,)
12 vs.)
13 LEAH CHAVEZ,) VOLUME 1 of 1
14 Respondent/Appellant.) (Pages 1 - 26)
15)

**CERTIFIED
TRANSCRIPT**

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18 REPORTER'S TRANSCRIPT ON APPEAL

19 Wednesday, August 21, 2019

20 APPEARANCES OF COUNSEL:

21 For the Appellant: LEAH CHAVEZ, in propria persona
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3 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

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5 IN RE THE MARRIAGE OF:)
6 RUDOLFO CHAVEZ,) No. FL-2014-5424
7 Petitioner,) Dept. 7C
8 vs.)
9 LEAH CHAVEZ,) (Pages 2 - 26)
10 Respondent.)

11

12 WEDNESDAY, AUGUST 21, 2019 - 3:04 p.m.

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14 The above-entitled matter came on regularly at
15 the date and time above set forth, before the HON. LINDA
16 LOFTHUS, Judge of the Superior Court of the State of California,
17 County of San Joaquin.

18

APPEARANCES OF COUNSEL:

19 CLAIRE A. OSBORN, Attorney at Law, 5250 Claremont
20 Avenue, Suite 150, Stockton, California 95207, appeared as
21 counsel for and on behalf of the Petitioner.

22

23

LEAH CHAVEZ appeared in propria persona.

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Reported by: VANESSA R. CLAYTON, C.S.R. No. 13112, CCRR

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1 (All parties present, the following
2 proceedings were had:)

3 THE COURT: All right. We are on the record.

4 We've held a settlement conference in the marriage of Rudolfo
5 Chavez and Leah Chavez. And Rudolfo Chavez has been present
6 with his attorney, Ms. Osborn, along with her assistant, Kasie
7 Cody, K-A-S-I-E, C-O-D-Y. And Ms. Chavez is representing
8 herself in pro per.

9 May I have the parties sworn?

10 THE CLERK: Yes.

11 Stand and raise your right hand, please.

12 You both do solemnly state the testimony you shall give in
13 this matter shall be the truth, the whole truth, and nothing but
14 the truth so help you God?

15 MS. CHAVEZ: Yes.

16 MR. CHAVEZ: Yes.

17 THE COURT: Okay. So let's just do this right
18 away, do the status.

19 Ms. Osborn, would you voir dire your client?

20 MS. OSBORN: Yes. Yes. All right.

21 Mr. Chavez, on August 22nd of 2013, did you file a petition
22 for dissolution between you and Ms. Chavez?

23 MR. CHAVEZ: Yes.

24 MS. OSBORN: You are listed as the Petitioner in
25 this matter?

26 MR. CHAVEZ: Yes.

27 MS. OSBORN: And it originated in Alameda County;
28 is that right?

1 MR. CHAVEZ: Yes.

2 MS. OSBORN: And transferred over to San Joaquin
3 County?

4 MR. CHAVEZ: Yes.

5 MS. OSBORN: Okay. And are you a resident --
6 have you been a resident in California for at least six
7 months -- the past six months?

8 MR. CHAVEZ: Yes.

9 MS. OSBORN: And you are no longer a resident of
10 San Joaquin County, but were you when you filed the petition --

11 Actually, Your Honor, it was transferred, so he was a
12 resident of Alameda County.

13 THE COURT: Right.

14 MS. OSBORN: When you filed your petition, were
15 you a resident in Alameda for at least three months?

16 MR. CHAVEZ: Yes. Yes.

17 THE COURT: He submits to the jurisdiction of
18 this Court to resolve property matters?

19 MR. CHAVEZ: Yes.

20 MS. OSBORN: Okay. And do you currently -- you
21 have three minor children of this marriage; is that right?

22 MR. CHAVEZ: Yes.

23 MS. OSBORN: And you did have a fourth child who
24 just reached the age of majority in June?

25 MR. CHAVEZ: Yes.

26 MS. OSBORN: Have irreconcilable differences
27 caused an irremediable breakdown of your marriage? Meaning,
28 have there been differences in your marriage that have arisen?

1 MR. CHAVEZ: Yes.

2 MS. OSBORN: And is it your belief that this
3 marriage cannot be saved by the Court, by counseling, or by any
4 other means?

5 MR. CHAVEZ: Yes.

6 MS. OSBORN: Is it your desire to terminate the
7 marriage and be divorced today?

8 MR. CHAVEZ: Yes.

9 MS. OSBORN: Have you gone through the discovery,
10 the assets and your debts, and do you waive final declaration of
11 disclosures -- actually, we did those already, so never mind.
12 We've done those.

13 Today we've been meeting with Judge Lofthus, and we've been
14 working together for an agreement or some kind of resolution in
15 this matter; is that right?

16 MR. CHAVEZ: Yes.

17 MS. OSBORN: And, I guess, after we go through
18 all those, I'll ask if he understands those terms.

19 THE COURT: But the date of marriage in the
20 petition filed in Alameda County on August 22nd was listed as
21 January 15th, 2001. But that's a mistake, and you believe the
22 marriage was January 5th of 2001; is that correct?

23 MR. CHAVEZ: Yes.

24 THE COURT: And you agree -- even though there's
25 been some dispute about the date of separation, that for our
26 purposes today, you agree the date of separation to be used for
27 all purposes is June 21st of 2012?

28 MR. CHAVEZ: Yes.

1 THE COURT: Thank you.

2 And then let me go over to you, Ms. Chavez. You understand
3 this petition was filed in Alameda County and transferred here?

4 MS. CHAVEZ: Yes.

5 THE COURT: You agree to submit to the
6 jurisdiction of the San Joaquin County court for this property
7 resolution?

8 MS. CHAVEZ: Yes.

9 THE COURT: And you also agree that the petition
10 incorrectly stated the date of marriage is January 15th, but it
11 was actually January 5th of 2001?

12 MS. CHAVEZ: Yes.

13 THE COURT: And even though disputed, you now
14 agree that the date of separation was June 21st of 2012; is that
15 correct?

16 MS. CHAVEZ: Yes.

17 THE COURT: All right. Very good.

18 Then at this time the Court is going to grant the
19 dissolution of marriage based upon irreconcilable differences.

20 MS. CHAVEZ: Your Honor, I mean, over here, I
21 object. I thought we were doing it just for property issues.

22 THE COURT: No. I told you we were doing status
23 back there.

24 MS. CHAVEZ: That's what I kept saying. Judge
25 Agbayani said we can still have a trial.

26 THE COURT: You can still have the trial. What
27 we talked about on the health insurance for you --

28 MS. CHAVEZ: Right.

1 THE COURT: -- and you still have carved out the
2 issue of life insurance to secure that.

3 MS. CHAVEZ: Right.

4 THE COURT: Absolutely.

5 MS. CHAVEZ: Right. But I would object to
6 dissolution in regards to the status due to the fact that the
7 insurance issues are tied into the status. I would object to
8 bifurcation of status today. I would agree to proceeding with a
9 resolution to the issues as stated as far as the debt and the
10 properties and everything else. But as far as the status and
11 then the remaining issues, I would like to proceed to trial --

12 THE COURT: Okay.

13 MS. CHAVEZ: -- on those.

14 THE COURT: I'm going to grant the status
15 dissolved today with the understanding that when you go before
16 Judge Agbayani or any other judge on the contempt proceeding,
17 which is a jury trial, that there's also a court trial on the
18 issue of life insurance and health insurance, and I'll lay that
19 out so you aren't precluded from or prejudiced in any way.

20 MS. CHAVEZ: Okay. And I would also object
21 because I'm -- I apologize, but like I said, that was not my
22 understanding, and there -- there is no pending motion for a
23 bifurcation of status, so I would fully object. And there's no
24 order even for the -- the factors that would keep the insurance
25 in place as it stands. At this time if we were to have a
26 dissolution in regards to our status, that would end the life
27 insurance for me, and that is an issue for trial. And so I
28 would object. I would object to the status, and I would let --

1 THE COURT: What do you mean it would end the
2 life insurance?

3 MS. CHAVEZ: If there was a dissolution -- if you
4 granted the status dissolution, that would end the health
5 insurance for me.

6 THE COURT: Not the life insurance.

7 MS. CHAVEZ: Right, not the life insurance. I
8 mis -- the health insurance. So I would -- I would object --
9 vigorously object to that and put the Court and counsel and
10 Petitioner on notice that I would be filing an immediate appeal
11 of that if -- if that order was made.

12 THE COURT: You have a trial date in two weeks.
13 You have a trial date in two weeks.

14 MS. CHAVEZ: Right. That would be for the -- the
15 remaining issues.

16 THE COURT: Which you're here at a settlement
17 conference, and I -- I'm sorry, but when I went back there, I
18 said we were doing status today and that we were carving out the
19 health insurance and the life insurance for when you come back
20 in two weeks. And I think that that is sufficient. I'm going
21 to go ahead and grant the status dissolution today. And I hear
22 your objection, and it's on the record.

23 MS. CHAVEZ: Okay.

24 THE COURT: Okay. As a practical matter, it
25 takes a couple of weeks for the paperwork to come through when
26 they send the bifurcation, so that's not going to happen between
27 now and two weeks coming back to the trial.

28 MS. CHAVEZ: I would ask that Petitioner leave

1 the insurance in place as it stands.

2 THE COURT: He can't change it until he has an
3 order signed by the Court. Okay. And so let's move on.

4 MS. CHAVEZ: Okay.

5 THE COURT: All right. So we had -- in chambers
6 we started this morning at 10 o'clock or close to that, and we
7 reached certain settlements. And I'm going to go over those
8 things now. And I'll ask each side is -- that is your
9 agreement. If I left anything out, please be sure and let me
10 know.

11 MS. OSBORN: Can the Court just, for the record,
12 describe what we waived this morning in chambers and that -- I
13 know you asked your clerk to put on the minute order, the
14 process of how we conducted today's --

15 THE COURT: Yes. It's in the minute order that I
16 met -- first of all, I met with everyone at the same time. And
17 I had my clerk with me at all times today, who is Lupe. But --
18 I do that largely not because of any personality here. When I
19 have one side that doesn't have a lawyer, I don't want to be the
20 only one that has a point of view of what got said in the room,
21 so I always have the clerk present for that.

22 So no offense to be taken, Ms. Chavez.

23 I told you how I conduct settlement conferences, and I
24 asked for a waiver so that I could meet with each side. And
25 each side entered into that waiver, the right to be present
26 during all communication, and that would be in the written
27 minute order, too, from today.

28 And then we proceeded and we did talk about a number of

1 things all together before we split up. And then I first
2 started meeting with Ms. Chavez, and then I -- we went back and
3 forth and took a lunch break from 12:00 to 1:30, and we started
4 up again. And I met, starting with Ms. Chavez, right at 1:30,
5 and we've been working until just now. So when we met -- I'm
6 just going to lay out all the things that are agreed upon.
7 Okay.

8 So the first thing we talked about was the date of
9 separation, June 21st of 2012.

10 The next thing we have agreed upon today -- although, it
11 was disputed and was an issue for trial -- was there are certain
12 real properties known as 'in San Diego.
13 The parties agree that that is a separate property of wife
14 having been inherited from her grandmother in early 2011.

15 The parties also agree there's a mobile home in San Lorenzo
16 which is the separate property of Ms. Chavez. That
17 was a mobile home that she purchased prior to the date of
18 marriage.

19 And there is another piece of real property known as
20 'in Stockton. This piece of property was inherited
21 by Ms. Chavez from her grandmother along with the Santa Maria
22 Terrace property. That property has a loan in the husband's
23 name, but title is not in his name. And husband waives any and
24 all Moore/Marsden reimbursements, slash, credits. I can't
25 remember the correct verbiage, what we call those.

26 MS. OSBORN: It was a 1031 exchange, just so the
27 record is very clear.

28 THE COURT: There was a 1031 exchange from one

1 piece of property for Caleb?

2 MS. OSBORN: Yes.

3 THE COURT: And everybody knows that and all --
4 everyone agrees it's separate property of wife?

5 MS. OSBORN: Yes.

6 THE COURT: Okay. And no Moore/Marsden
7 reimbursements are being sought?

8 MS. OSBORN: Yeah, we are waiving those.

9 THE COURT: And then the -- we talked about
10 community debt, and there is a lot of dispute about the
11 community debt. Husband claimed that there was no community
12 debt, that it was collectible, due and owing. Wife claimed that
13 there was sometimes in the neighborhood of 79,754 that was
14 comprised of an American Express card, a Bank of America card,
15 and a Citi card. And when we started out our proceedings today,
16 everybody agreed that the debt was around 59,596.21 but
17 reserving the right to say that maybe they weren't owed or it
18 was less than that. And, in fact, I was presented with evidence
19 that these are old debts, way beyond the statute of limitations.

20 I talked to Mrs. Chavez about the CCP section which
21 requires lawsuits to be initiated within four years from the
22 date of the last nonpayment, and these well exceeded those.

23 And the Bank of America debt actually got settled during
24 the term of the marriage in 2009 for about \$7,000. Wife has
25 agreed to waive any request for reimbursements on those debts in
26 view of the full settlement that I'm putting on the record here.

27 There was also a -- an issue about K-U-E-H-N-E, Kuehne &
28 Nagel, 401K in the sum of \$630.59 at the date of separation and

1 discussions about what interest might have grown on that. And
2 there was a big dispute about that, and the parties agree now
3 the 401K and any of its proceeds are awarded to husband.

4 There --

5 MS. CHAVEZ: Husband? That's -- I'm sorry,
6 Judge, but --

7 THE COURT: That's part of the 2,500 that he's
8 paying you.

9 MS. CHAVEZ: But you said awarded to husband.

10 THE COURT: Right. He gets the 401K.

11 MS. CHAVEZ: Oh, okay. Okay. I'm sorry.

12 THE COURT: All right. And then the 2,500 that I
13 just referenced is -- there's going to be a payment that husband
14 makes to wife in the sum of 2,500 which settles all of these
15 issues.

16 The Home Depot retirement fund is awarded to husband as his
17 sole and separate property. The Sherwin Williams retirement
18 fund is awarded to husband as his sole and separate property.
19 And the US Postal Service retirement is awarded to husband as
20 his sole and separate property.

21 Any community property accounts that were cash accounts,
22 each is to keep their own.

23 My understanding there is a Chase account that the parties
24 utilize now for -- you know, by mutual agreement -- that's Chase
25 account ending in 1062. That's the account that husband is
26 going to make the deposits for the 2,500 in on a weekly basis
27 beginning September 6th. He's to pay every Friday until that's
28 paid in full. It's not part of any wage assignment that he has

1 right now, but that's the account that exists, so that's the
2 account that he will use. And that will be a weekly deposit
3 until that 2,500 is paid in full. There's no interest on that
4 2,500.

5 Each side will bear their own attorney's fees. As a
6 practical matter, Ms. Chavez doesn't have an attorney and only
7 had one for about one month. But husband has had several
8 attorneys. And up until now, each side bearing their own
9 attorney's fees. Whatever you do when you go to court in two
10 weeks, nobody is saying you can't ask for attorney's fees at
11 that time. Okay.

12 The child custody has already been decided, and child
13 support has already been decided by Judge Agbayani in a recent
14 written decision. And there has -- there is only a temporary
15 order on spousal support. So Judge Agbayani has not done a
16 final hearing on permanent spousal support. And so it was my
17 suggestion to the parties since they couldn't reach an agreement
18 on health insurance for mom or a further life insurance policy,
19 which I'll go into in a minute, that those can be addressed by
20 wife/mom at your spousal support hearing, which is what would be
21 addressed in your final trial anyway. Okay.

22 MS. CHAVEZ: Will there -- there is no pending
23 spousal support hearing.

24 THE COURT: No, but you have a final trial set.

25 MS. CHAVEZ: For the dissolution.

26 THE COURT: For -- to resolve all your issues. I
27 wasn't getting into support issues here today.

28 MS. CHAVEZ: Right. I understand.

THE COURT: Or contempt issues.

2 So the life insurance that Mrs. Chavez was asking that
3 husband take out in addition to the two policies that she
4 already maintains in the sum of 300,000 with a company named ING
5 and Lincoln in the sum of \$1,300,000, which she pays \$400
6 quarterly or something on both of those, she can keep those. So
7 the agreement is wife can keep that life insurance on husband's
8 life in those amounts as long as she pays it. But the dispute
9 was wife would like husband to take out a life insurance policy
10 through his employer if it's available at no cost to secure
11 child support in addition to these amounts.

12 And that you'll be able to talk about, Mrs. Chavez, when
13 you go talk to Judge Agbayani at your trial date.

14 MS. CHAVEZ: Or for him to purchase it on the
15 open market.

16 THE COURT: Whatever you want to propose --

17 MS. CHAVEZ: Right.

18 THE COURT: -- to Judge Agbayani about that.

19 So we couldn't reach a resolution on that, and we couldn't
20 reach a resolution but -- as to life insurance that currently
21 exists, wife can continue to maintain those two policies with --
22 wife may be the beneficiary on that and that can continue on if
23 she wants. The children are the ultimate beneficiaries if
24 anything happens to him during their term of minority.

25 MS. CHAVEZ: Right.

26 MS. OSBORN: I'm sorry. I'm assuming just based
27 upon our conversations here that those life insurance policies
28 that my client is the one who is the insured?

1 THE COURT: Yes.

2 MS. OSBORN: She's not the owner --

3 THE COURT: He's the insured.

4 MS. OSBORN: He's insured; is that --

5 MS. CHAVEZ: Yes.

6 THE COURT: Mom might be the beneficiary on
7 those. That's okay. You told me --

8 MS. OSBORN: No -- yes. I'm trying -- can I ask
9 who the owner of the pol --

10 Are you the owner?

11 MS. CHAVEZ: Right. It's term. It's not whole.

12 THE COURT: Right. She explained that to me.

13 It's term.

14 MS. OSBORN: Mom is own -- excuse me. Ms.
15 Chavez is owner of the policy; my client is the one insured, and
16 the beneficiaries are either Ms. Chavez and/or the children?

17 THE COURT: Right.

18 MS. OSBORN: Okay. I just wanted to clarify.

19 THE COURT: Very good.

20 And then on the health insurance we reached an agreement
21 that husband will continue to maintain the children on his --
22 maintain medical, dental, and vision insurance for the children
23 during -- for the children, and as long as it is available
24 through his employment, as long as it is comparable with
25 Obamacare which now allows parents to keep children on the
26 policies until they reach the age of 26, and as long as it is
27 comparable to what he has now. He works for UPS now. Once a
28 child hits the age of 18 like Rudolfo, Jr., just did, then

1 father/husband is not making his copays or the out of pocket or
2 deductibles. But now they're doing it for the minors. He does
3 it for the minors.

4 MS. OSBORN: Right.

5 THE COURT: That will continue as long as they're
6 minors. When they hit 18, then they have to get a job or have
7 student loans cover -- usually they get insurance through
8 other -- if they go to school, there's good insurance there.

9 Okay.

10 Then -- but what remains to be decided is mom's request
11 that she -- that dad pay for her health insurance.

12 And that will be something that you can do with Judge
13 Agbayani when you come for your final trial.

14 MS. CHAVEZ: Right. And the life insurance for
15 the kids.

16 THE COURT: Yeah. I said that already.

17 MS. CHAVEZ: Right. Right. Right.

18 THE COURT: Okay. And then --

19 MS. CHAVEZ: Excuse me, Your Honor.

20 I know that you said it's already on the record in regards
21 to the status bifurcation, but I really truly was not aware that
22 it was --

23 THE COURT: You made your objection.

24 MS. CHAVEZ: Okay.

25 THE COURT: It's duly noted.

26 MS. CHAVEZ: Right. But I was just going to ask
27 if, in fact, our divorce or dissolution trial is like you said
28 in two weeks --

1 THE COURT: Whatever the date is.

2 MS. CHAVEZ: Right. Right. September 6th I
3 think, but -- but can we wait until then for the status so
4 that --

5 THE COURT: I already said no. I'm granting it
6 as of today.

7 MS. CHAVEZ: Okay.

8 THE COURT: With the exception that you are
9 allowed to, without prejudice, make these arguments for your
10 health insurance and the life insurance. Okay.

11 As a practical matter, that paperwork isn't going to get
12 through here in two weeks for that to be changed. Okay. So we
13 don't need --

14 MS. CHAVEZ: Okay.

15 THE COURT: -- to keep going over it. We've got
16 a court reporter. She's here. You've made your record. All
17 right.

18 The parties agree that spousal support from wife to husband
19 is terminated so that husband -- his right to obtain spousal
20 support from wife is now terminated as of today's date. Okay.

21 And the parties agree that they have divided their
22 household furniture and furnishings, so whatever they currently
23 have, they're going to keep, and that's including vehicles, and
24 their taxes, each is to take their own. The last time they
25 filed together was in 20 --

26 Did you file?

27 MS. CHAVEZ: '12.

28 THE COURT: 2012 -- 2011 or 2012. After that,

1 they've been filing separately. And all the other accounts have
2 been equally divided. Right --

3 MS. OSBORN: They haven't been divided, but
4 husband is waiving --

5 THE COURT: They've all been divided -- whatever
6 accounts each has other than that Chase one has been divided,
7 and they waive any equalizing payment.

8 MS. OSBORN: Right.

9 THE COURT: And wife will take her student loans
10 and hold all of these awards -- having hold harmless and
11 indemnification clause as to each of them. Whatever property
12 they're taking, taking whatever -- their obligations, they're
13 accepting, indemnifying, and holding the other harmless. Okay.

14 The pensions, already discussed and divided; and no
15 equalizing payment, or they're waived if there was one.

16 And that's it.

17 MS. OSBORN: The 2,500 --

18 THE COURT: The 2,500.

19 MS. OSBORN: But the Court was saying that Ms.
20 Chavez was waiving the breach of the fiduciary duties --

21 THE COURT: It resolved that. And the 401K and
22 any of the fiduciary duty argument and --

23 MS. CHAVEZ: In regards to the 401K?

24 THE COURT: Right. To resolve all of that,
25 husband has agreed to pay the sum of \$2,500, beginning
26 September 6th every Friday in the sum of \$125 until paid in full
27 to Chase Account Number 1062. And he will make sure that that
28 is deposited weekly. But there was one other -- oh, it was also

1 mentioned on Page 2 of Mrs. Chavez's settlement numbers filed
2 October 10th of 2018. It also included a \$728 money judgment
3 that she claimed that husband owed to her, and that resolves
4 that issue, too.

5 So what that leaves is contempt issues that are subject of
6 a jury trial and the health insurance and life insurance as I've
7 laid out to be decided by the Judge in the short court trial and
8 your permanent spousal support, whatever that would be.

9 And I was asked to remind you, Ms. Chavez, that you were to
10 contact a vocational rehabilitation specialist within a certain
11 amount of time, and they don't think you've done that yet. I'm
12 not saying that you didn't, but, you know, just a reminder.

13 MS. CHAVEZ: We don't have a -- the support is
14 not pending and --

15 THE COURT: I'm not asking you to defend about
16 why you -- if you have or haven't done it. I'm not asking you.
17 But it does occur to me if there -- you know, maybe that -- I
18 don't know what's going to happen on your permanent spousal
19 support hearing and how much you guys can get done when you come
20 back.

21 MS. CHAVEZ: Okay.

22 MS. OSBORN: Are we resolving that issue?

23 MS. CHAVEZ: Yeah. We -- can we talk after this?

24 THE COURT: Okay.

25 MS. CHAVEZ: And then we had another issue that
26 wasn't addressed because it wasn't in the settlement statement,
27 but Ms. Osborn knows it's been an issue for me, and, I guess
28 we -- it was small, and I knew it wasn't going to be resolved

1 today. I guess we can talk about it at trial, too. And that's
2 the contribution for the college education for the children.

3 THE COURT: Oh, right. Yeah. And we didn't talk
4 about that. I saw that in --

5 MS. CHAVEZ: Hers.

6 THE COURT: -- some mention in the paperwork, and
7 that's not anything a Court could ever order. There's nothing
8 that the law provides that a husband can be ordered, as far as I
9 know. I don't know about the domestic violence problems and
10 whether there's some authority for that. I don't know.

11 MS. CHAVEZ: Yeah.

12 THE COURT: That is not anything we resolved here
13 today.

14 MS. CHAVEZ: Exactly. I just want to reserve
15 that to discuss later.

16 THE COURT: So, Ms. Osborn, did I leave anything
17 out?

18 MS. OSBORN: No. I was just -- I was just asking
19 Ms. Chavez about the support -- spousal support issue.

20 THE COURT: Yeah.

21 MS. OSBORN: We are having a trial on that; is
22 that correct?

23 MS. CHAVEZ: No.

24 MS. OSBORN: Okay. So then --

25 THE COURT: But the life insurance and health
26 insurance kind of relate to spousal support so...

27 MS. OSBORN: Okay. Well, no, just because of
28 preparation and trial brief, I need to know. So if we're

1 setting spousal support at zero and reserving jurisdiction, then
2 could we -- can -- is that considered permanent spousal support?

3 MS. CHAVEZ: (Indicating.)

4 MS. OSBORN: That would be my request.

5 THE COURT: I'm not deciding that. If this --

6 MS. OSBORN: If we have an agreement.

7 THE COURT: If you have an agreement that you're
8 not going to try the issue of spousal support when you come back
9 and it's currently set at zero without prejudice to modify.

10 MS. CHAVEZ: I just -- I would like to just leave
11 it as you stated earlier because I wasn't prepared to even
12 discuss it or talk about it. And we can talk about it more
13 after, but I'm not -- it's not --

14 MS. OSBORN: It's an issue for trial.

15 THE COURT: Yes, it is. I'm going to finish
16 doing this first.

17 MS. OSBORN: Okay.

18 THE COURT: And I'll try to help you with that.
19 So as far as what I recited, Ms. Osborn, did I leave anything
20 out?

21 MS. OSBORN: I don't believe so.

22 THE COURT: All right. Would you ask your
23 client?

24 MS. OSBORN: Yes.

25 Mr. Chavez, do you understand all the terms and agreements
26 we have come to today?

27 MR. CHAVEZ: Yes.

28 MS. OSBORN: Have you had enough time to discuss

1 with myself and/or with the Court all of these items?

2 MR. CHAVEZ: Yes.

3 MS. OSBORN: And are you in agreement with all of
4 the things we've just now placed on the record?

5 MR. CHAVEZ: Yes.

6 THE COURT: Okay. And do you have any questions
7 of me, Mr. Chavez?

8 MR. CHAVEZ: No.

9 THE COURT: Okay. And you understand that this
10 is a non-modifiable agreement? I explained when we met in
11 chambers, this is a written contract, if you will, and so I have
12 a court reporter here, and you have a judge approving this
13 settlement in open court, and because of that, it is a
14 non-modifiable agreement.

15 Do you understand that?

16 MR. CHAVEZ: Yes.

17 THE COURT: Ms. Chavez, did you hear everything I
18 recited?

19 MS. CHAVEZ: (Nodded head.) Yes.

20 THE COURT: Did I do it correctly?

21 MS. CHAVEZ: Yes. Except for the part that I
22 objected to.

23 THE COURT: And you made your objection on the
24 record.

25 MS. CHAVEZ: Yes.

26 THE COURT: That was a decision I made when I was
27 sitting here. So that wasn't part of your settlement. I
28 thought it was, but it turns out it wasn't, but that's okay. So

1 I made the call, and I think the record reflects that.

2 MS. CHAVEZ: Okay.

3 THE COURT: But otherwise, is this your
4 agreement?

5 MS. CHAVEZ: Yes.

6 THE COURT: Have you had enough time to think
7 about this and consider all these terms and conditions?

8 MS. CHAVEZ: Yes.

9 THE COURT: Okay. And do you have any questions
10 of me about it at this time?

11 MS. CHAVEZ: No.

12 THE COURT: Okay. And do you understand that
13 this is a non-modifiable agreement because it's a settlement
14 entered into in open court and approved by a judge?

15 MS. CHAVEZ: Yes. In regards to all the issues
16 minus the status issue.

17 THE COURT: Right. I -- right. Very clear.
18 Okay. We call it 664.6. That's another section in the Code of
19 Civil Procedure which -- yeah. And so it's clear I made that
20 call on the status.

21 MS. CHAVEZ: Okay.

22 THE COURT: That wasn't your agreement.

23 MS. CHAVEZ: Okay.

24 THE COURT: Okay.

25 MS. CHAVEZ: Okay.

26 THE COURT: All right. Ms. Osborn, will you
27 prepare the paperwork for this hearing today?

28 MS. OSBORN: Yeah. Yes.

1 THE COURT: Will you send a copy to Ms. Chavez?

2 MS. OSBORN: Yes.

3 THE COURT: If you have not received her
4 signature on it with approval as to form and content within five
5 days, then if you send it to me directly, as long as it matches
6 my minute order and the transcript, I will sign it.

7 MS. OSBORN: Okay.

8 THE COURT: If you have things that she writes in
9 there incorrectly, do a cover letter that says I disagree with
10 this because that isn't what we said, then I'm not going to sign
11 it if I get a copy of your letter, too.

12 MS. CHAVEZ: Okay.

13 THE COURT: Okay?

14 MS. CHAVEZ: Okay.

15 THE COURT: All right. Thank you very much.

16 MS. CHAVEZ: Thank you for everything.

17 THE COURT: You're welcome.

18 You made a lot of progress today. You made a lot, a lot of
19 progress. It was an honor to do this, and I enjoy working with
20 all of you. And I wish you all the best of luck.

21 MS. CHAVEZ: Thank you.

22 MS. OSBORN: Will the Court be around for a few
23 more minutes if we have an agreement?

24 THE COURT: Talk off the record, and I'll sit
25 here. You want the court reporter to stay here?

26 MS. OSBORN: If you don't mind.

27 (Whereupon proceedings concluded.)

28 ---oo---

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN JOAQUIN) ss.

3

4 I, VANESSA R. CLAYTON, Official Court Reporter
5 of the Superior Court of the State of California, do hereby
6 certify:

7 That I was present in the Superior Court, County of
8 San Joaquin, State of California, at the hearing of the
9 above-entitled matter; that at said time and place, I took down
10 in shorthand notes all the testimony given and proceedings had;
11 that I thereafter caused said shorthand notes to be transcribed
12 into longhand typewriting by computer-aided transcription, the
13 above and foregoing being a full, true, and correct transcript
14 of all testimony taken and proceedings had.

15
16
17



18 VANESSA R. CLAYTON, C.S.R. No. 13112, CCRR
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SESSIONS

VOLUME 1

Wednesday, August 21, 2019

Afternoon Session

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EXHIBIT F

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME Leah Chavez		STATE BAR NO.	FOR COURT USE ONLY 2019 AUG 26 AM 8:20
FIRM NAME			
STREET ADDRESS 6333 Pacific Ave. #355		STATE CA	ZIP CODE 95207
CITY: Stockton		FAX NO.	
TELEPHONE NO			
E-MAIL ADDRESS			
ATTORNEY FOR (name): In Pro Per			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin			
STREET ADDRESS: 180 E. Weber Ave.			
MAILING ADDRESS:			
CITY AND ZIP CODE: Stockton, CA 95202			
BRANCH NAME Family Law Division			
PLAINTIFF/PETITIONER: Rudolfo Chavez		CASE NUMBER:	
DEFENDANT/RESPONDENT: Leah Chavez			
<input checked="" type="checkbox"/> NOTICE OF APPEAL		<input type="checkbox"/> CROSS-APPEAL	
(UNLIMITED CIVIL CASE)		FL2014-5424	

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.

1. NOTICE IS HEREBY GIVEN that (name): **Leah Chavez**
appeals from the following judgment or order in this case, which was entered on (date): **8-21-2019**
 Judgment after jury trial rendered, pending entry
 Judgment after court trial
 Default judgment
 Judgment after an order granting a summary judgment motion
 Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
 Judgment of dismissal after an order sustaining a demurrer
 An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
 An order or judgment under Code of Civil Procedure, § 904.1(a)(3)–(13)
 Other (describe and specify code section that authorizes this appeal): Objection to the bifurcation and termination of marital status
Family Code sec. 2337 – bifurcation of marital status; C.R.C. 5.390 – bifurcation; C.C.P. 664.6;
California Constitution article I, section 7 – due process; U.S. Const. amend. XIV, § 1 – due process.
2. For cross-appeals only:
a. Date notice of appeal was filed in original appeal:
b. Date superior court clerk mailed notice of original appeal:
c. Court of Appeal case number (if known):

Date: August 26, 2019

Leah Chavez

(TYPE OR PRINT NAME)

SIGNATURE OF PARTY OR ATTORNEY

Form Approved for Optional Use
Judicial Council of California
APP-002 Rev. January 1, 2017

NOTICE OF APPEAL/CROSS-APPEAL (UNLIMITED CIVIL CASE)
(Appellate)

Cal Rules of Court, rule 8.100

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EXHIBIT G

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7 **Rudolfo Chavez,**

8
9 **SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF SAN JOAQUIN**

11
12 **RUDOLFO CHAVEZ,**

13 Case No.: FL-2014-5424

14 Petitioner,

15 vs.

16 **LEAH CHAVEZ.,**

17 Respondent

18 **SETTLEMENT AGREEMENT PURSUANT**
19 **TO C.C.P. 664.6**

20 Settlement conference held in chambers.

21 Both parties waive the right to be present when the court met with the other party.
22 Court met with each party and or their counsel individually.
23 On the record with the court reporter present. Parties sworn.

24 1. **IDENTIFICATION OF PARTIES:** This agreement is made between RUDOLFO
25 CHAVEZ., hereinafter referred to as "Petitioner," and LEAH CHAVEZ, hereinafter
26 referred to as "Respondent."

27 2. **DATE OF MARRIAGE:** The parties stipulated the date of marriage on the petition
28 is incorrect and true date is January 5, 2001, and ever since then have been and
are husband and wife.

SETTLEMENT AGREEMENT PURSUANT TO C.C.P. 664.6 - 1

3. **DATE OF SEPARATION:** The date of separation of the parties is June 21, 2012, for a marriage of eleven years and six months.

IT IS SO ORDERED:

4. **SPOUSAL SUPPORT:** The court terminates its jurisdiction over spousal support from Respondent to Petitioner. The court reserves jurisdiction of spousal support payable from Petitioner to Respondent. Spousal support is currently set at zero (\$0.00) without prejudice to modify.

5. ATTORNEY FEES: Each party to pay their own attorney fees to date.

6. REAL PROPERTY:

Parties stipulated the Respondent is awarded the real properties located at

San Diego, CA separate property inherited from her

grandmother. Mobile home located at San Lorenzo, CA,
separate property purchased prior to marriage and Stockton,
CA, separate property inherited from grandmother, with a loan in Petitioner's
name and he waives all Moore Marsden credits. There was a 1031 exchange for
Caleb property.

7. HOUSEHOLD FURNISHINGS AND PERSONAL PROPERTY: All

household furniture and furnishings have been divided; whatever each party has in their possession they will keep. This includes any vehicles. Petitioner waives any equalizing payment in any accounts that were or were not divided. Other property the parties are taking is their own obligation and they will hold the other harmless and indemnify the other therefrom.

1 **8. VEHICLES:**

2 Each party will be awarded the vehicle(s) and or encumbrances therein in their
3 own possession and hold the other harmless and indemnify the other therefrom.
4

5 **9. BANK ACCOUNTS:**

6 Any community property accounts that were cash amounts, each is to keep their
7 own.
8

9 **10. RETIREMENTS AND PENSION PLANS:**

10 Petitioner's retirements from Kuehne Nagel 401k worth \$630.59 at the date of
11 separation, Home Depot's 401k at \$0 value, Sherwin Williams retirement funds at
12 \$0 value, and UPS post-separation shall be awarded as his separate property. All
13 proceeds awarded to Petitioner. Petitioner shall pay Respondent \$2,500.00 to
14 resolve any retirement issues and to any of the fiduciary duty arguments as to the
15 401k. Petitioner is to deposit \$125.00 each Friday commencing September 6,
16 2019 into account ending in #1062. This includes a \$728.00 money judgment that
17 Respondent claims that Petitioner owed her (see Respondent's Statement filed
18 October 10, 2018)

19 **11. OTHER ASSETS:**

20 (a) If Respondent chooses, she may maintain and continue to pay about \$400
21 quarterly on the two life insurance policies. These policies are through ING
22 and Lincoln in which Petitioner is the insured and the Respondent is the
23 current owner and primary beneficiary with the children being the contingent
24 beneficiaries.

25 (b) Petitioner shall continue to maintain the children on his medical, dental and
26 vision insurance until each child reaches the age 26 as long as it is available

1 through his employment and as long as it is comparable with Obama Care and
2 as long as it is comparable to what he has now. Once a child reaches the age
3 of 18 years old, Petitioner will not pay any co-pays, or out-of-pocket
4 expenses or deductibles for that child but he will pay for the minors.
5

6 **12. COMMUNITY DEBT AND EXPENSES:**

7 (a) As to community debt with American Express, Citi Bank and Bank of
8 America, these are old debts that are past the statute of limitation for
9 collections. The Bank of America debt was settled prior to separation.
10 Respondent waives request for reimbursement on these debts totaling
11 approximately \$59,596.21.

13 (b) Respondent will assume her student loans and hold Petitioner harmless and
14 indemnify him therefrom.

15 **13. ENTIRE AGREEMENT:** This agreement contains the entire agreements of the
16 parties on these matters, superseding any previous agreement between them and
17 pursuant to CCP 664.6. Each party has carefully read this agreement in its entirety
18 and understands each provision of this judgment on stipulated issues.

20 **14. LEGAL REPRESENTATION:** Husband has been represented in the negotiations
21 and in preparation of this agreement by an independent attorney of his own
22 choosing, Claire A. Osborn of Law Office of Claire Osborn. Wife has represented
23 herself in the negotiations and in preparation of this agreement. The terms of this
24 settlement agreement are fully understood and voluntarily accepted by both
25 parties.
26

1 **15. AMENDMENT OR REVOCATION:**

2 This settlement agreement is absolute, unconditional and irrevocable. The entire
3 agreement is not modifiable by the court.

4 **16. GOVERNING LAW:**

5 This settlement agreement shall be construed and interpreted in accordance with
6 the laws of the State of California.

7 **17. ENFORCEMENT OF SETTLEMENT AND RESERVATION OF**
8 **JURISDICTION UNDER C.C.P. §664.6**

9 The settling parties further agree and hereby jointly request that the court retain
10 jurisdiction over the parties to enforce the settlement until performance in full of
11 the terms of the settlement.

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SETTLEMENT AGREEMENT PURSUANT TO C.C.P. 664.6 - 5

1 **PENDING EFFECT OF AGREEMENT:**

2 This settlement agreement will inure to the benefit of, and be enforceable and
3 binding on the parties, the parties' respective devisees, heirs, personal
4 representatives, assigns, and successors in interest.

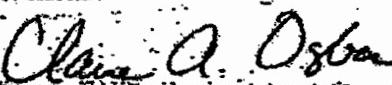
5
6
7 The foregoing is agreed to by:

8
9 Date: 10/4/19

10
11 
Rudolfo Chavez
Petitioner / Husband

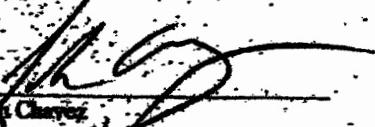
12 By FAX

13
14 Date: 10-7-19

15
16 
Claro A. Osborn
Claro Osborn, Attorney for Petitioner

17 By FAX

18
19 Date: 10-7-2019

20
21 
Linda Lofthus
Respondent / wife

22 By FAX

23 Approved as conforming to the agreement of the parties:

24
25 **IT IS SO ORDERED:**

26
27 Date: OCT 16 2019

28 **LINDA L. LOFTHUS**

29
30 Honorable Linda Lofthus
Presiding Judge of the Superior Court

31
32 SETTLEMENT AGREEMENT PURSUANT TO C.C.P. 654.6-6

EXHIBIT H

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Leah Chavez 6333 Pacific Ave. #355 Stockton, CA 95207		FILED SUPERIOR COURT-STOCKTON FL-340 FOR COURT USE ONLY 19 OCT 28 AM 11:23 ROSA JUNQUEIRO, CLERK BY: DYLW ALCO REPLATY LAW OFFICES OF
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name): In Pro Per		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 180 East Weber Ave.		
MAILING ADDRESS: CITY AND ZIP CODE: Stockton, CA 95202		
BRANCH NAME:		
PETITIONER/PLAINTIFF: Rudolfo Chavez		
RESPONDENT/DEFENDANT: Leah Chavez		
OTHER PARTY:		
FINDINGS AND ORDER AFTER HEARING		CASE NUMBER: FL2014-5424

1. This proceeding was heard
 on (date): August 21, 2019 at (time): 10:00a.m. in Dept.: 7C Room:
 by Judge (name): Hon. Judge Linda L. Loftus Temporary Judge

On the order to show cause, notice of motion or request for order filed (date): by (name):

- a. Petitioner/plaintiff present
- b. Respondent/defendant present
- c. Other party present

- Attorney present (name): Claire Osborn
- Attorney present (name):
- Attorney present (name):

THE COURT ORDERS

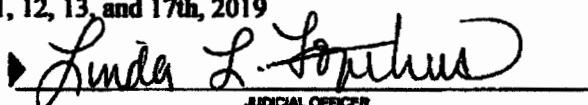
- 2. Custody and visitation/parenting time: As attached on form FL-341 Other Not applicable
- 3. Child support: As attached on form FL-342 Other Not applicable
- 4. Spousal or family support: As attached on form FL-343 Other Not applicable
- 5. Property orders: As attached on form FL-344 Other Not applicable
- 6. Attorney's fees: As attached on form FL-346 Other Not applicable
- 7. Other orders: As attached Not applicable

8. All other issues are reserved until further order of court.

9. This matter is continued for further hearing on (date): at (time): in Dept.:
 on the following issues:

Trial is set for September 10, 11, 12, 13, and 17th, 2019

Date: OCT 28 2019


JUDICIAL OFFICER

Approved as conforming to court order.

SIGNATURE OF ATTORNEY FOR PETITIONER / PLAINTIFF RESPONDENT/DEFENDANT OTHER PARTY

FL-347

PETITIONER: Rudolfo Chavez	CASE NUMBER: FL2014-5424
RESPONDENT: Leah Chavez	

BIFURCATION OF STATUS OF MARRIAGE OR DOMESTIC PARTNERSHIP

ATTACHMENT TO JUDGMENT (FL-180) FINDINGS AND ORDER AFTER HEARING (FL-340)
ON COURT'S OWN MOTION

The court grants the request of Petitioner to bifurcate and grant a separate trial on the issue of the dissolution of the status of the marriage or domestic partnership apart from other issues. *Without prejudice to health insurance and/or other positions Respondent may present at trial.*

Date marital or domestic partnership status ends (specify): August 21, 2019

THE COURT FINDS

1. A preliminary declaration of disclosure with a completed schedule of assets and debts and income and expense declaration has been served on the nonmoving party, or the parties have stipulated in writing to defer service of the preliminary declaration of disclosure until a later time.
2. Each retirement or pension plan of the parties has been joined as a party to the proceeding for dissolution unless joinder is precluded or made unnecessary by applicable law.

THE COURT ORDERS

- a. To preserve the claims of each party in all retirement plan benefits on entry of judgment granting a dissolution of the status of the marriage or domestic partnership, the court makes one of the following orders for each retirement plan in which either party is a participant:
 - (1) A final domestic relations order or qualified domestic relations order under Family Code section 2610 disposing of each party's interest in retirement plan benefits, including survivor and death benefits.
 - (2) An interim order preserving the nonemployee party's right to retirement plan benefits, including survivor and death benefits, pending entry of judgment on all remaining issues.
 - (3) A provisional order on Pension Benefits—Attachment to Judgment (form FL-348) incorporated as an attachment to the judgment of dissolution of the status of marriage or domestic partnership (*Judgment (Family Law)*(form FL-180)). This order provisionally awards to each party a one-half interest in all retirement benefits attributable to employment during the marriage or domestic partnership.

b. Name of plan:

Type of order attached		
3a(1)	3a(2)	3a(3)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

See attachment 3b for additional plans.

- a. The moving party must promptly serve on the retirement or pension plan administrator a copy of any order entered under items a and b above and a copy of the judgment granting dissolution of the status of the marriage or domestic partnership (form FL-180).
4. Jurisdiction is reserved for later determination of all other pending issues in this case.
5. The court makes the following additional orders as conditions for granting the severance on the issue of dissolution of the status of marriage or domestic partnership. In the case of the moving party's death, the order continues to be binding on that moving party's estate and will be enforceable against any asset, including the proceeds thereof, to the same extent that these obligations would have been enforceable before the person's death.

a. Division of property

The petitioner respondent must indemnify and hold the other party harmless from any taxes, reassessments, interest, and penalties payable by the other party in connection with the division of the community estate that would not have been payable if the parties were still married or domestic partners at the time the division was made.

FL-347

PETITIONER: Rudolfo Chavez	CASE NUMBER: FL2014-5424
RESPONDENT: Leah Chavez	

5. b. **Health Insurance**

Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must maintain all existing health and medical insurance coverage for the other party, and that party must also maintain any minor children as named dependents, as long as that party is eligible to do so. If at any time during this period the petitioner respondent is not eligible to maintain that coverage, that party must, at his or her sole expense, provide and maintain health and medical insurance coverage that is comparable to the existing health and medical insurance coverage to the extent it is available.

If that coverage is not available, the petitioner respondent is responsible for paying the health and medical care for the other party and the minor children to the extent that care would have been covered by the existing insurance coverage but for the dissolution of marital status or domestic partnership, and will otherwise indemnify and hold the other party harmless from any adverse consequences resulting from the loss or reduction of the existing coverage. "Health and medical insurance coverage" includes any coverage under any group or individual health or other medical plan, fund, policy, or program.

c. **Probate homestead**

Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in a termination of the other party's right to a probate homestead in the residence in which the other party resides at the time the severance is granted.

d. **Probate family allowance**

Until a judgment has been entered and filed on all remaining issues, the petitioner respondent must indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in the loss of the rights of the other party to a probate family allowance as the surviving spouse or surviving domestic partner.

e. **Retirement benefits**

Except for any retirement plan, fund, or arrangement identified in any order issued and attached as set out in paragraph 3, until a judgment has been entered on all remaining issues, the petitioner respondent must indemnify and hold the other party harmless from any adverse consequences to the other party if the bifurcation results in the loss of the other party's rights with respect to any retirement, survivor, or deferred compensation benefits under any plan, fund, or arrangement, or to any elections or options associated with them, to the extent that the other party would have been entitled to those benefits or elections as the spouse or surviving spouse or the domestic partner or surviving domestic partner of the moving party.

f. **Social security benefits**

The moving party must indemnify and hold the other party harmless from any adverse consequences if the bifurcation results in the loss of rights to social security benefits or elections to the extent the other party would have been entitled to those benefits or elections as the surviving spouse or surviving domestic partner of the moving party.

g. **Beneficiary designation— Nonprobate transfer**

Attachment 5(g), Order Re: Beneficiary Designation for Nonprobate Transfer Assets, will remain in effect for each covered asset until the division of any community interest therein has been completed.

h. **Individual Retirement Account**

Attachment 5(h), Order Re: Division of IRA Under Internal Revenue Code Section 408(d)(6), has been issued to preserve the ability of petitioner respondent to defer distribution of his or her community interest on the death of the IRA owner.

FL-347

PETITIONER: Rudolfo Chavez	CASE NUMBER: FL2014-5424
RESPONDENT: Leah Chavez	

5. L Enforcement of community property rights

Good cause exists to make additional orders as set out in Family Code section 2337(c)(9). See Attachment 5(j).

J Other conditions that are just and equitable

Other:

6. Number of attachments: _____

WARNING: Judgment (Family Law) (form FL-180) (status only) must be completed in addition to this form for the status of the marriage or domestic partnership to be ended.

EXHIBIT I

Filed 4/18/22 Marriage of Chavez CA3

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

In re the Marriage of RUDOLFO and LEAH CHAVEZ.

C090325

RUDOLFO CHAVEZ,

(Super. Ct. No. STA-FL-DWC-2014-0005424)

Respondent,

v.

LEAH CHAVEZ,

Appellant.

Appellant Leah Chavez appeals from a trial court order bifurcating the issue of marital status and ordering termination of the same. Appellant contends the trial court lacked the authority to “bifurcate and terminate the parties’ marital status” on its own motion. In so doing, she argues, the trial court denied her due process right to “notice and . . . opportunity to prepare and argue against bifurcation.” We affirm the trial court’s order.

DISCUSSION

California Rules of Court, rule 5.390(a) states that on noticed motion of a party, using form FL-300, “Request for Order,” “the stipulation of the parties, case management, *or the court’s own motion*, the court may bifurcate one or more issues to be tried separately before other issues are tried.” (Italics added.) Accordingly, the court had the authority to bifurcate and terminate the parties’ marital status on its own motion.

Moreover, “[c]onsistent with the legislative policy favoring no fault dissolution of marriage, only slight evidence is necessary to obtain bifurcation and resolution of marital status. On the other hand, a spouse opposing bifurcation must present compelling reasons for denial.” (*Gionis v. Superior Court* (1988) 202 Cal.App.3d 786, 790.) Here, appellant objected to the court terminating the parties’ marital status because, she argued, it would cause her to lose her health insurance. The court noted they already discussed terminating the parties’ marital status at the settlement conference. During that discussion, the court agreed to “carv[e] out the health insurance and the life insurance for when [the parties returned] in two weeks.” On this record, we conclude appellant’s stated concern failed to present a “compelling reason” for the court not to terminate the parties’ marital status.

DISPOSITION

The trial court order bifurcating and terminating the parties' marital status is affirmed. Respondent is entitled to costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1), (2).)

/s/
HOCH, J.

We concur:

/s/
ROBIE, Acting P. J.

/s/
KRAUSE, J.

EXHIBIT J

\$274537

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

RUDOLFO CHAVEZ,

Petitioner and Respondent,

v.

LEAH CHAVEZ

Respondent and Appellant.

Supreme Court

No.

Court of Appeal

No. C090325

Superior Court

No.

STAFLDW20140005424

APPEAL FROM THE SUPERIOR COURT OF

SAN JOAQUIN COUNTY

Honorable Linda L. Lofthus, Judge

PETITION FOR REVIEW

After the Unpublished Decision of the Court of Appeal

Third Appellate District

Leah Chavez, Pro Per Respondent and Appellant

6333 Pacific Ave. #355, Stockton, CA 95207

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IV. Did the Court of Appeal lack jurisdiction to base its entire Opinion on issues no party briefed, without requesting supplemental briefing? (G.C. 68081) (C.R.C. 8.500(b)(2).) The issues not briefed were: (1.) did “the trial court lack[] the authority to “bifurcate and terminate the parties’ marital status” on its own motion.” (Op.P1.); and (2.) “compelling reasons” against bifurcation (Op.P2.)....	20
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TO THE HONORABLE CHIEF JUSTICE, TANI GORRE
CANTIL-SAKAUYE, AND TO THE HONORABLE ASSOCIATE
JUSTICES OF THE SUPREME COURT OF THE STATE OF
CALIFORNIA.

ISSUES PRESENTED

- (I) Under C. R.C. 5.390 a trial court is authorized to bifurcate and terminate a parties marital status on “the court’s own motion”, but did the Court of Appeal err in finding the courts authority under C.R.C. 5.390 to *sua sponte* terminate Appellant’s marital status and subsequently deprive Appellant of associated property interest does NOT require providing notice and an opportunity to be heard before terminating this fundamental right?
- (II) Is it a violation of Due Process and the Equal Protection Clause of the United States Constitution for the trial court when bifurcating and terminating marital status and depriving litigants of associated property interests, to do so without providing notice and an opportunity to be heard only to a select group of litigants?
- (III) Does the Equal Protection Clause of the United States Constitution protect an African-American litigant, as it does a White litigant, from the government’s *sua sponte* termination of their marital status without notice or opportunity to be heard, where the termination was based on implicit racial bias towards the litigant?

- (IV) Did the Court of Appeal lack jurisdiction to base its entire Opinion on issues no party briefed, without requesting supplemental briefing? (G.C. 68081) (C.R.C. 8.500(b)(2).) The issues not briefed were: (1.) did “the trial court lack[] the authority to “bifurcate and terminate the parties’ marital status” on its own motion.” (Op.P1.); and (2.) “compelling reasons” against bifurcation (Op.P2.)

NECESSITY FOR REVIEW

The facts related to the issues in this matter have been fully developed and are uncontradicted as to the issues presented. No matter how this Court decides the issue, it requires resolution because it is of serious legal importance and there needs to be a definitive answer on the unsettled and important question of law: Does the authority given the California family law court under California Rules of Court 5.390 include the authority to arbitrarily and unilaterally bifurcate and terminate a parties’ marital status (and associated property interests) on “the court’s own motion”, without first giving them notice and an opportunity to be heard on the issue?

First, the courts are in conflict right now on how much authority is given to a California family court to act *sua sponte* within a dissolution proceeding. The Court of Appeal ruling creates a conflict with established California case law regarding *sua sponte* actions and the California and United States Constitution’s guarantee of due process.

On the one hand, courts across the state recognize the family court’s inherent authority to make *sua sponte*, on the “court’s own motion”, decisions. On the other hand, courts in California recognize that there is a limit on the *sua sponte* authority of family courts and have held so in various cases. (*In re Marriage of Siegel* (2015) 239 Cal. App. 4th 944, 953, citing *In*

re Marriage of O'Connell (1992) 8 Cal.App.4th 565, 574 [10 Cal.Rptr.2d 334].) [a dissolution court cannot grant unrequested relief against a party who appears without affording that party notice and an opportunity to respond.]; see also (*In re Marriage of Straczynski* (2010) 189 Cal. App. 4th 531, 538 [the trial court violated party's due process rights when it dismissed a petition for dissolution of marriage for reasons introduced for the first time at the hearing.]

Secondly, there is an extremely important question to be answered which is: whether in the context of bifurcating and terminating "marital status" in specific, does the court's authority under C.R.C. 5.390 require the trial court to provide notice or an opportunity to be heard to an actively involved (not dissolution by default) litigant? Appellant would argue; case law would show, and the U.S. and California Constitutions would support the finding that the family court should be required to provide notice and opportunity to be heard before bifurcating and terminating marital status.

Resolution of the issue of how much *sua sponte* authority family law courts have to bifurcate and terminate a parties' marital status is of vital importance among African-American family law litigants. Understanding the serious ramifications of racial bias in various facets of the California legal system upon African-Americans, this Court recently formed a work group to address the problem.

On November 4, 2020 Chief Justice Tani Cantil-Sakauye announced the formation of a new work group to address racial bias in court proceedings. ("California Chief Justice Appoints New Work Group to Address Bias in Court Proceedings." (2020), <https://newsroom.courts.ca.gov/news/california-chief-justice-appoints-new-work-group-address-bias-court-proceedings.>)

Inherent racial bias is a pervasive problem in family law courts and a major social issue in this state. Considering the impact of legal interaction on the family unit, whether the family law court is required to provide due process to African-American litigant's or can hide behind *sua sponte* decisions in making racially biased rulings is a major problem this Court needs to address. It's time for this Court to provide judicial guidance through case law decisions which identify avenues that allow implicit bias in judicial decision making, and how to avoid and begin to remove the pathways from infiltrating our court systems. Appellant calls on this Court to assure ALL litigants are equally provided with due process in the administration of law in family courts and that judicial officers are not allowed to hide behind the inherent authority of the family law court to make unconstitutional and racially biased decisions on "its own motion".

STATEMENT OF CASE AND FACTS

The uncontradicted facts relevant to the issues presented are that the parties' dissolution trial was scheduled to begin on September 10, 2019 in front of the Honorable Judge Tony J. Agbayani, Jr., the judge "assigned for all purposes" and the judicial officer the parties regularly appeared before. Judge Agbayani thought it would be good if a different judge conducted the settlement conference before trial, so on July 17, 2019 he set a settlement conference before the Honorable Judge Linda L. Lofthus for August 14, 2019 at 10:00 am which was continued on the court's own motion to August 21, 2019 at 10:00 am. (CT25-26.)

The settlement conference began at approximately 10:00 am the morning of August 21, 2019 off the record, in the chambers of Judge Lofthus. (RT10; 5-7.) Present for the settlement discussions were Judge

Lofthus, her clerk “Lupe”, the parties, Husband’s attorney Claire Osborn, and Ms. Osborn’s assistant. (RT4: 3-8.) The parties met off the record together with Judge Lofthus and Lupe, and also separately off the record with Judge Lofthus and Lupe in efforts to negotiate a settlement on specific property issues. (RT10: 5-28; RT11: 1-7.) The settlement discussions were always conducted with the understanding that there were certain issues that would not be resolved at the settlement conference (including the dissolution of marital status), but instead at the trial beginning September 10, 2019. (CT15; RT7: 24-28; RT8: 1-11; RT9: 12-13.)

During the off the record in chambers settlement conference, an agreement between the parties was reached on certain property issues. There was no discussion in chambers about bifurcating and terminating the parties’ marital status.

After the settlement conference concluded Judge Lofthus, Judge Lofthus clerk Lupe, the parties, Husband’s attorney, and Husband’s attorney’s assistant then moved into the courtroom specifically to have the parties’ settlement agreement read on the record and transcribed by the court reporter in order to satisfy the requirements of California Code of Civil Procedure 664.6. (RT4: 3-16; CT5-6; CT9-14.) Instead, the court *sua sponte* ruled to bifurcate and terminate the parties’ marital status immediately after the parties were seated, without notice or an opportunity to be heard being afforded the Appellant before the court ruled.

The court’s *sua sponte* ruling terminating the parties’ marital status without notice or an opportunity to be heard was recorded in the Findings and Order After Hearing filed on October 28, 2019 attaching Form FL-347. Under C.R.C. 5.390(d)(3) it is required that the filing terminating marital status contain use of the “mandatory” judicial council Form FL-347-BIFURCATION OF STATUS OF MARRIAGE OR DOMESTIC

PARTNERSHIP. At the top of page one on Form FL-347 there are preprinted boxes available to check who the requesting party was for the marital status bifurcation trial, the words “Petitioner” and “Respondent” are crossed out and “ON COURT’S OWN MOTION” is inserted. (CT16.)

Under California Rules of Court, rule 8.504(b)(3) Petitioner seeks review of the Court of Appeal Decision affirming the trial court decision, and a Petition for Rehearing was filed and denied by the Third District Court of Appeals.

ARGUMENT

I. Under C. R.C. 5.390 a trial court is authorized to bifurcate and terminate a parties marital status on “the court’s own motion”, but did the Court of Appeal err in finding the courts authority under C.R.C. 5.390 to *sua sponte* terminate Appellant's marital status and subsequently deprive Appellant of associated property interest does NOT require providing notice and an opportunity to be heard before terminating this fundamental right?

The Court of Appeal erred in finding that California Rules of Court 5.390 authorizes trial courts to bifurcate and terminate parties’ marital status without first providing notice and opportunity to be heard. Family Code 2337 requires that bifurcation and termination may only be granted “upon noticed motion” which in turn requires the mandatory use of Form FL-315 to reply to the request for bifurcation providing litigants an initial and automatic opportunity to be heard. To think that such a drastic split would be found between the California Rules of Court and the Family Code, where the C.R.C. would authorize courts to make such a serious determination as to

end a marital union and deprive litigants of associated property interests without prior notice or an opportunity to be heard is illogical. The courts and people of this state deserve clarification from the California Supreme Court on bifurcation of marital status under **C.R.C. 5.390**, because as it stands and is interpreted by the Court of Appeal this statute violates the United States Constitution and is invalid.

The facts of the present case are that the trial court, without prior notice or opportunity to be heard in presenting arguments against bifurcation or for conditions of bifurcation, made the decision to bifurcate and terminate the parties' marital status on the spot from the bench. (RT4: 1 - RT7: 19.) The court clearly stating for the record: "That was a decision I made when I was sitting here. So that wasn't part of your settlement. I thought it was, but it turns out it wasn't, but that's okay. So I made the call, and I think the record reflects that." (RT23:26 – RT24:1.) Judge Lofthus then went on to state again on the record that she was maintaining her decision to *sua sponte* terminate the parties' marital status stating: "so it's clear I made that call on the status... That wasn't your agreement." (RT24: 19-22.)

The Court of Appeals erred in finding that California Rules of Court 5.390 authorizes the trial court to bifurcate and terminate a parties' marital status without due process of law. Under both the United States and the California Constitutions what the trial court did in bifurcating and terminating Appellant's marital status without prior notice or an opportunity to be heard was a clear violation of due process.

United States Constitution, amendment XXIV, section 1, in part:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

//

California Constitution article I, section 7, in part:

“...A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws...”

“It is a cardinal principle of our jurisprudence that a party should not be bound or concluded by a judgment unless he has had his day in court. This means that a party must be duly cited to appear and afforded an opportunity to be heard and to offer evidence at such hearing in support of his contentions. His right to a hearing does not depend upon the will, caprice or discretion of the trial judge who is to make a decision upon the issues. An order or judgment without such an opportunity is lacking in all the attributes of a judicial determination. [Citations.] Refusal to permit counsel ... to present evidence and make a reasonable argument in support of his client's position [i]s not a mere error in procedure. It amount[s] to a deprival of a substantial statutory right....” (*Spector v. Superior Court (1961) 55 Cal.2d 839, 843-844 [13 Cal.Rptr. 189, 361 P.2d 909].*)

Marriage (and its associated property interest) is a fundamental right, and for the state statute C.R.C. 5.390 to authorize “on the court's own motion” termination of marital status without prior notice or an opportunity to be heard, clearly makes the statute void as it violates both the 14th Amendment of the United States Constitution and Article I, Section 7 of the California Constitution.

Justice Marshall writing for The United States Supreme Court wrote about marriage as a fundamental right in *Zablocki*, stating that “(w)hen a statutory classification significantly interferes with the exercise of a fundamental right, it cannot be upheld unless it is supported by sufficiently important state interests and is closely tailored to effectuate only those interests.” (*Zablocki v. Redhail (1978), 434 U.S. 374, 388.*)

The actions of the lower court and the Court of Appeal's interpretation of C.R.C. 5.390 to allow courts to bifurcate and terminate marital status (and its associated property interest) without notice or an opportunity to be heard, interferes with the exercise of a fundamental right – marriage, and is not supported by "sufficiently important state interests and is [not] closely tailored to effectuate only those interests". (*Id.*) The right to marry and exercise the right to remain married is a fundamental right. Any governmental regulation that affects the ability to form, maintain, dissolve, or resolve conflicts within a family is subject to rigorous judicial scrutiny. (*Zablocki, Id.*)

Sua sponte bifurcation and termination of an individuals' marital status without notice or opportunity to be heard under California Rules of Court 5.390(a) is an issue that needs to be reviewed under the strict scrutiny standard, and would undoubtedly fail such review. The court taking away such bedrock due process rights as notice and an opportunity to be heard, before terminating a marital union, is not narrowly tailored to the states interest in the judicious dissolution of marital unions.

Additionally, Form FL-315 Request or Response to Request for Separate Trial is a "mandatory" use form used when a party is requesting bifurcation and termination of marital status, which contains important information on rights responsibilities of the parties and provides for the non-requesting party an opportunity to be heard and to request conditions of bifurcation. Because the court terminated Wife's marital status "on its own motion" the mandatory judicial council was not required and Wife did not have this opportunity to be heard; time to research; and could not benefit from the important legal statement on page one, which reads: "NOTE: A request for an early termination of your marital or partnership status may have a significant impact on your rights or responsibilities in your case. If

you do not understand this form, you should speak with an attorney.” *Wife was not given the opportunity to consult counsel before the lower court terminated her marital status, which additionally served to deprive Wife of life, liberty, or property without due process of law.*

An associated right under C.R.C. 5.390(d)(2) and F.C. 2337 is the right to request conditions of bifurcation of marital status (also found on mandatory use Form FL-315, which is required in response to a request for bifurcation of marital status by a party; along with mandatory use Form FL-347 which contains the orders as the court decides after bifurcation is granted.) One such F.C. 2337 condition is the constitutionally protected marital right of a spouse’s property interest in their marital *health insurance coverage. (United States Constitution, amendment XXIV, section 1.)* Appellant Wife’s health insurance is not only listed under F.C. 2337, but it is protected as part of the fundamental rights of marriage and requires due process before depriving Appellant of this important property interest; the court’s interpretation of C.R.C. 5.390 conflicts with her fundamental rights by not providing due process *before* termination.

Interpretation of C.R.C. 5.390 to authorize trial courts to arbitrarily bifurcate and terminate marital status without notice or opportunity to be heard is a violation of both the *California Constitution article I, section 7* and *United States Constitution, amendment XXIV, section 1*

II. Is it a violation of Due Process and the Equal Protection Clause of the United States Constitution for the trial court when bifurcating and terminating marital status and depriving litigants of associated property interests, to do so without providing notice and an opportunity to be heard only to a select group of litigants?

Family Code 2337 authorizes a court to bifurcate and terminate marital status “upon noticed motion”; C.R.C. 5.390 also authorizes bifurcation and termination of marital status with notice; however it adds that on the “court’s own motion” it may bifurcate and terminate marital status without notice or an opportunity to be heard (as interpreted by the Third District Court of Appeal in this matter). This interpretation of C.R.C. 5.390 to authorize California courts to *sua sponte* on the “court’s own motion” bifurcate and terminate marital status without notice or opportunity to be heard before ruling violates Due Process and Equal Protection guarantees as it relates to marriage and the associated property rights (such as marital health insurance coverage), including that it separates out groups of individuals for different treatment based arbitrarily on who is subject to bifurcation and termination of the fundamental right of marital status on the “court’s own motion” versus those individuals subject to bifurcation and termination on the motion of a party.

GROUP 1: Subject to bifurcation and termination on “court’s own motion” =

- No due process required (no notice or opportunity to be heard)

GROUP 2: Subject to bifurcation and termination on “motion of a party” =

- Due Process required (notice an opportunity to be heard required)

Why would litigants be put in Group 1 to have their rights stripped? Married individuals not subject to *sua sponte* bifurcation retain their due process rights and are given notice and an opportunity to be heard and an opportunity to consult counsel, before termination of their marital status; whereas those subject to *sua sponte* bifurcation and termination of marital status on “court’s own motion” do not.

A problematic factor associated with the current interpretation of C.R.C. 5.390 is “who” the court decides to put in the group assigned to lose their due process rights? With the interpretation of C.R.C. 5.390 as affirmed by the Court of Appeal, California Judges are allowed unfettered discretion to arbitrarily pick and chose who is denied due process rights and put in “GROUP 1”. There are no requirements either in determining when the court will act upon this power or who the court will choose to deny their due process rights to, so judicial bias has a clear path under this statute. The court if it so chooses can decide to put only Black citizens in GROUP 1, with no questions asked. A litigant can innocently show up for court ready to discuss settlement and be ambushed by the court terminating their marital status and denying their due process rights and day in court - out of the blue, as happened to Appellant. The Court of Appeal interpretation of C.R.C. 5.390 contains both due process and clear equal protection violations.

III. Does the Equal Protection Clause of the United States Constitution protect an African-American litigant, as it does a White litigant, from the government’s *sua sponte* termination of their marital status without notice or opportunity to be heard, where the termination was based on implicit racial bias towards the litigant?

The Court of Appeal erred in not addressing the pivotal issue of the violation of due process rights the Appellant argued in her brief. If the judicial system in this state ever wants to rectify the system of implicit and inherent bias in the California legal system, it has to cut off the unnecessary and unconstitutional avenues for it to infiltrate the legal system under the radar.

The United States of America is currently dealing with a racial reckoning, which includes dealing with implicit and inherent racial bias in the legal system. On November 4, 2020 California Supreme Court Chief Justice Tani Cantil-Sakauye announced the formation of a new work group to address racial bias in court proceedings. (“*California Chief Justice Appoints New Work Group to Address Bias in Court Proceedings.*” (2020), <https://newsroom.courts.ca.gov/news/california-chief-justice-appoints-new-work-group-address-bias-court-proceedings>.) Appellant also believes it is time to look at racial bias in the entire legal system, including the family law courts in California. The effect that legal decision making has on the day to day life of African-Americans in this state and in this country is massive. And one of the largest points of contact with the legal system for average Black-Americans is with the family law courts. It is time to deal with the implicit and inherent racial bias in our family law courts.

Appellant is an African-American woman who was married to a Mexican-American man, and the trial court judge is a White woman (Judge Linda L. Lotthus). Appellant showed up for court ready to attend a settlement conference between her and her Husband. They were scheduled to discuss financial issues and then about two weeks later have their dissolution trial for resolution on all remaining issues. Implicit bias lead Judge Lofthus to take the *sua sponte* action of bifurcating and terminating Appellant’s marital status, without any notice to Appellant, only two weeks before the dissolution trial was set to begin. There was absolutely no reason for bifurcation (an “early trial” on the issue) of marital status, because as stated the dissolution trial was only two weeks away. Appellant’s dissolution matter was assigned to Judge Agbayani for all matters, but Judge Lofthus conducted the final settlement conference. Appellant had never appeared before Judge Lofthus before the day of the settlement conference, where the

judge without providing notice or an opportunity to be heard bifurcated and terminated Appellant's marital status out of hand. (RT4: 1 - RT7: 19.)

In the classic use of the word "prejudice" the court in the instant case, prejudged Appellant's case in violation of her procedural and substantive due process rights. The court in Carlsson citing Hanson stated in one sense "The term 'due process of law' asserts a fundamental principle of justice which is not subject to any precise definition but deals essentially with the denial of fundamental fairness, shocking to the universal sense of justice." [Citation.] "'The trial of a case should not only be fair in fact, but it should also appear to be fair.' [Citations.] A prime corollary of the foregoing rule is that 'A trial judge should not prejudge the issues' but should keep an open mind until all the evidence is presented to him". (*In re Marriage of Carlsson (2008), 163 Cal. App. 4th 281, 291.*). (*Italics, bold, and underline added.*)

Judge Lofthus clearly "prejudged" the issue of bifurcation and termination of marital status, because no testimony was given before the court made its ruling, with the court stating for the record: "That was a decision I made when I was sitting here. So that wasn't part of your settlement. I thought it was, but it turns out it wasn't, but that's okay. So I made the call, and I think the record reflects that." (RT23:26 – RT24:1.) Judge Lofthus clearly prejudged the Appellant's matter and the bifurcation and termination of marital status issue, and absolutely denied Appellant her day in court and was confident in doing so. Why?

Appellant had been actively involved in the litigation of her dissolution since the beginning and was preparing for her dissolution trial, which included the issue of marital status. Appellant should have been afforded the same rights to complete the litigation process and have her day in court that every other White litigant is given. Instead Appellant was dismissed out of hand, when the court without notice or an opportunity to be

heard pulled the rug from under her and terminated her marital status violating her right to due process and equal protection of the laws.

The Court of Appeal is complicit in the unfair and bias treatment of Black and minority litigants, when it summarily denies arguments that raise due process concerns. It appeared the family court knew its decision would not be properly reviewed by the Court of Appeal, because Appellant was but one litigant (with no legal representation and a Hispanic surname) complaining about a due process violation. And then there is the all but certainty that the California Supreme Court will not review, thereby allowing a racially biased decision to stand and denying minority litigants their due process rights as an everyday occurrence with no repercussions and no readily available avenue of redress.

There is no doubt that a similarly situated White litigant would have had their day in court, especially considering the trial was only two weeks away and bifurcation and termination was not necessary nor was it part of the parties' settlement agreement. The trial court judge was forthright in stating on the record that bifurcation and termination of marital status was not agreed upon by the parties but was her decision: "That was a decision I made when I was sitting here. So that wasn't part of your settlement. I thought it was, but it turns out it wasn't, but that's okay. So I made the call, and I think the record reflects that." (RT23:26 – RT24:1.) Judge Lofthus then went on to state again on the record that she was maintaining her decision to *sua sponte* terminate the parties' marital status: "so it's clear I made that call on the status... That wasn't your agreement." (RT24: 19-22.) Not only was this a racially condescending statement, but the judge "prejudged" the matter and terminated Appellant's marital status without giving Appellant an opportunity to prepare and argue against bifurcation – in other words Appellant was denied her day in court. The court unilaterally terminated the

marital status of an actively involved litigant and refused Appellant her day in court, because Appellant was a Black woman and the court could take this action as a matter of course. This would never have happened had Appellant been White.

During discussions in chambers there were comments made by the court, though never overtly containing racial bias, they were made with implicit racial bias. The courts comments made Appellant feel uncomfortable and as though the court was belittling Appellant, something that would not have been done to a similarly situated White litigant.

The fact that Appellant's marital status was unilaterally terminated without notice or hesitation, and in such a manner that in and of itself demonstrates an action that should be viewed with heightened scrutiny, should lead an observer to question what implicit bias would lead a court of law to take such a serious action directly antithetical to the constitutional guarantees of procedural and substantive due process as they relate to the fundamental right of marriage and its associated rights.

Given the speed with which the family court judge made the decision and fact there was no opportunity for Appellant to present argument, there obviously was no opportunity for the court to do the minimal amount of reflection on arguments made which is part of standard legal decisions. The court had no time for meaningful reflection, there was no discussion, there were no finding of facts or opportunity for Appellant to ask for conditions of bifurcation to protect Appellant and her children as is her right (F.C. 2337; as found in mandatory use Form FL-315: health insurance, beneficiary designation on non-probate transfer, enforcement of community property rights, etc), nothing happened before the family law judge made the ruling – she just made the ruling. And when Appellant brought the matter to the

Court of Appeal she was, for all intents and purposes, summarily denied with barely a three paragraph Opinion.

The California Supreme Court is called on to review the decision of the Court of Appeal as it relates to the interpretation of C.R.C. 5.390 to authorize family law courts to bifurcate and terminate marital status without notice or an opportunity to be heard. By allowing trial courts to make decisions to terminate parties marital status *sua sponte* without notice or an opportunity to be heard, the Court of Appeal is allowing family law courts the discretion to mete out divorces as “they” see fit and to whom they see fit and when they see fit, without input from the actual litigants involved. In the instant case, the court felt it knew better than the Black Woman who was in the actual marriage and had been advocating on her own behalf during the entire dissolution proceeding before other judges, and was weeks away from the dissolution trial where she was preparing to present her arguments. Blacks in this country have the right to marry and they also have the same right to remain married or divorce as White citizens do. It is not within a court’s authority to dissolve someone’s marital union by surprise, at a hearing on something entirely different. This was a violation of the Equal Protection clause and Appellant’s Civil Rights.

Appellant felt as if she was treated like the White court knew what was best just because she was Black, and had to control the situation and life of the Black woman and adjudge that it was in Appellant’s and Appellants children’s best interest for her to be divorced, *without* the same rights and protections afforded to White litigant’s and their children during bifurcations of marital status (as found in F.C. 2337; and Forms FL-315 and FL-347). It harkens back to Jim Crow days when adult Black men were called “boy”, and Whites believed they had inherently superior intellectual acumen and it was alright to treat a Black man as less than, like a child – a “boy”.

The courts behavior is highly offensive and indicative of implicit and inherent racial bias which permeates the court system, including family courts. Appellant calls upon this court to simply allow review of the decision, no matter the outcome in this specific case.

IV. Did the Court of Appeal lack jurisdiction to base its entire Opinion on issues no party briefed, without requesting supplemental briefing? (G.C. 68081) (C.R.C. 8.500(b)(2).) The issues not briefed were: (1.) did “the trial court lack[] the authority to “bifurcate and terminate the parties’ marital status” on its own motion.” (Op.P1.); and (2.) “compelling reasons” against bifurcation (Op.P2.)

No party briefed the issue: “Appellant contends the trial court lacked the authority to “bifurcate and terminate the parties’ marital status” on its own motion.” (Opin. p.1, second sentence.); and no party briefed the issue “compelling reasons” to deny bifurcation and termination of marital status (Opin.p.2, 2nd paragraph.).

The Court of Appeal based its decision entirely on issues not briefed or proposed by any party and denied granting rehearing as required under Government Code 68081, which reads:

“Before the Supreme Court, a court of appeal, or the appellate division of a superior court renders a decision in a proceeding other than a summary denial of a petition for an extraordinary writ, based upon an issue which was not proposed or briefed by any party to the proceeding, the court shall afford the parties an opportunity to present their views on the matter through supplemental briefing. If the court fails to afford that opportunity, a rehearing shall be ordered upon timely petition of any party.”

The California Supreme Court has authority to review the Court of Appeal decision under C.R.C. 8.500(b)(2), which reads in part:

“(b) Grounds for review

The Supreme Court may order review of a Court of Appeal decision[]

(2) When the Court of Appeal lacked jurisdiction”

Appellant argues that under C.R.C. 8.500(b)(2) the Court of Appeal lacked jurisdiction to decide issues not briefed or proposed without requesting supplemental briefing (G.C. 68081), because the issues not briefed comprised the entire Court of Appeal Opinion. By deciding the appeal on issues *sua sponte*, the Court of Appeal is compounding the very problem that Appellant sought guidance from the appeals court for. Due to the fact that supplemental briefing was not requested, Appellant argues this provides grounds for review in the California Supreme Court for lack of jurisdiction in deciding the matter in the Court of Appeal.

“As Chief Justice Traynor of the California Supreme Court wrote: “[I]t is only fair that the appellate court direct the attention of counsel” to legal theories, cases, or other materials not covered by the briefs, “if it appears that they may affect the outcome of the case, and give them the opportunity to submit additional briefs. (Traynor, Roger J. "Some open questions on the work of State Appellate Courts." U. Chi. L. Rev. 24 (1957): 211, 219; see also Roger J. Traynor, Quo Vadis, Prospective Overruling: A Question of Judicial Responsibility, 28 HASTINGS L.J. 533, 558 (1977) (arguing that parties should have the opportunity to brief retroactivity before the issue is decided).” Miller, Barry A. "Sua Sponte Appellate Rulings: When Courts Deprive Litigants of an Opportunity to Be Heard." San Diego L. Rev. 39 (2002): 1253, 1297.

Appellant never made the contention that “the trial court lacked authority to bifurcate and terminate the parties’ marital status “on its own motion” as stated in the Court’s Opinion page 1. The contention made by Appellant and stated throughout her brief was that the court was required to give notice and opportunity to be heard, and these due process rights were required to be given before sua sponte bifurcating and terminating her marital status. This is a distinctly different issue than what was noted in the Court of Appeal opinion.

The issue as presented in the Appeals Court opinion stops short of articulating the full issue (it omits the issue of the trial court being required to first provide notice of the trial and then the opportunity to be heard at the trial), thus completely changing the issue in the process.

Appellant was not given the opportunity to provide supplemental briefing, so under G.C. 68081, Appellant must be afforded a rehearing based on this new issue of whether “the trial court lacked the authority to “bifurcate and terminate the parties’ marital status” on its own motion” under C.R.C. 5.390(a). (Opinion, p. 1 and 2.)

Additionally, the Court of Appeal states in its Opinion that “[c]onsistent with the legislative policy favoring no fault dissolution of marriage, only slight evidence is necessary to obtain bifurcation and resolution of marital status. On the other hand, a spouse opposing bifurcation must present compelling reasons for denial.” (*Gionis v. Superior Court* (1988) 202 Cal.App.3d 786, 790.)” (Opinion, page 2.)

The Court of Appeal decision was based on no evidence for bifurcation (the lower court made no finding of any evidence for bifurcation, not even “slight evidence” as required under *Gionis, Id.*). No party presented any evidence, because there was no trial before the court’s ruling.

It is a universal fact that “the parties may have presented different evidence if they had known the issue would be considered. Without such notice, relevant facts may, or may not, be in the record.” (Miller, Barry A.

"Sua Sponte Appellate Rulings: When Courts Deprive Litigants of an Opportunity to Be Heard. San Diego L. Rev. 39 (2002): 1253, 1302.)

Additionally, “Established appellate standards dictate that documents and facts not presented to the trial court are not properly part of the record on appeal and cannot be considered on appeal.” (Pulver v. Avco Financial Services (1986) 182 Cal. App. 3d 622.)

Appellant was never given an opportunity to present “compelling reason” for the trial court to not bifurcate and terminate the parties’ marital status.” (Opinion, p.2.), because there was no trial and thus Appellant never had an opportunity to present “compelling reasons” in her Appellant’s Opening Brief as it was an impossibility because no such argument was made in the trial court (and therefore by law could not be presented to the Court of Appeal). The Court of Appeal pointed out that opposing bifurcation is a high burden (Opinion, p.2.), but how was Appellant supposed to meet this admittedly high burden without notice or an opportunity to be heard?

In the instant case Appellant was never given the opportunity to present “compelling reasons” because there was no lower court trial or request for supplemental briefing on the issue in the Court of Appeal, but the Court of Appeal based its decision on Appellant not meeting the burden of providing “compelling reasons” why bifurcation should be denied. (Opinion, p.2.) That is clearly an error; Appellant could not do something she was not given an opportunity to do and the reason why the Court of Appeal lacked jurisdiction.

Appellant should have rightfully been granted a rehearing and the opportunity to provide supplemental briefing on the issue of 1.) Whether the court lacked authority to bifurcate the parties' marital status and 2.) Compelling reasons why bifurcation should have been denied. Due process and fairness principals would necessarily dictate that Appellant is given the opportunity to present her case, and have her day in court.

CONCLUSION

For the reasons stated, the petition for review should be granted.

Dated: 05/27/2022

Respectfully submitted,

/s/Leah Chavez
Appellant and Respondent – In Pro Per

CERTIFICATION OF WORD COUNT

I, Leah Chavez, hereby certify in accordance with California Rules of Court, rule 8.504(d)(1), that this petition contains 6,912, words as calculated by the Microsoft Word software in which it was written.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Dated: 05/27/2022

Respectfully submitted

/s/Leah Chavez
Appellant and Respondent
In Pro Per

Filed 4/18/22 Marriage of Chavez CA3

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(San Joaquin)

In re the Marriage of RUDOLFO and LEAH CHAVEZ.

C090325

RUDOLFO CHAVEZ,

(Super. Ct. No. STA-FL-DWC-2014-0005424)

Respondent,

v.

LEAH CHAVEZ,

Appellant.

Appellant Leah Chavez appeals from a trial court order bifurcating the issue of marital status and ordering termination of the same. Appellant contends the trial court lacked the authority to “bifurcate and terminate the parties’ marital status” on its own motion. In so doing, she argues, the trial court denied her due process right to “notice and . . . opportunity to prepare and argue against bifurcation.” We affirm the trial court’s order.

DISCUSSION

California Rules of Court, rule 5.390(a) states that on noticed motion of a party, using form FL-300, “Request for Order,” “the stipulation of the parties, case management, *or the court’s own motion*, the court may bifurcate one or more issues to be tried separately before other issues are tried.” (Italics added.) Accordingly, the court had the authority to bifurcate and terminate the parties’ marital status on its own motion.

Moreover, “[c]onsistent with the legislative policy favoring no fault dissolution of marriage, only slight evidence is necessary to obtain bifurcation and resolution of marital status. On the other hand, a spouse opposing bifurcation must present compelling reasons for denial.” (*Gionis v. Superior Court* (1988) 202 Cal.App.3d 786, 790.) Here, appellant objected to the court terminating the parties’ marital status because, she argued, it would cause her to lose her health insurance. The court noted they already discussed terminating the parties’ marital status at the settlement conference. During that discussion, the court agreed to “carv[e] out the health insurance and the life insurance for when [the parties returned] in two weeks.” On this record, we conclude appellant’s stated concern failed to present a “compelling reason” for the court not to terminate the parties’ marital status.

DISPOSITION

The trial court order bifurcating and terminating the parties' marital status is affirmed. Respondent is entitled to costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1), (2).)

/s/
HOCH, J.

We concur:

/s/
ROBIE, Acting P. J.

/s/
KRAUSE, J.

EXHIBIT K

Court of Appeal, Third Appellate District - No. C090325

JUL 20 2022

S274537

Jorge Navarrete Clerk

IN THE SUPREME COURT OF CALIFORNIA *Deputy*

En Banc

In re the Marriage of RUDOLFO and LEAH CHAVEZ.

RUDOLFO CHAVEZ, Respondent,

v.

LEAH CHAVEZ, Appellant.

The petition for review is denied.

The request for an order directing publication of the opinion is denied.

CANTIL-SAKAUYE

Chief Justice

EXHIBIT L

IN THE

**Court of Appeal of the State of California
IN AND FOR THE
THIRD APPELLATE DISTRICT**

In re the Marriage of RUDOLFO and LEAH CHAVEZ.

RUDOLFO CHAVEZ,
Respondent,
v.
LEAH CHAVEZ,
Appellant.

C090325
San Joaquin County
No. STAFLDWC20140005424

REMITTITUR TO TRIAL COURT CLERK

I, ANDREA K. WALLIN-ROHMAN, Clerk of the Court of Appeal of the State of California for the Third Appellate District, do hereby certify that the attached opinion or order, previously provided to the parties, is a true and correct copy of the original opinion or order entered in the above entitled cause that has now become final.

Respondent to recover costs on appeal.

WITNESS my hand and the seal of the Court affixed this 4th day of August 2022.

ANDREA K. WALLIN-ROHMAN
Clerk

Christie Doutherd

By: Christie Doutherd
Deputy Clerk



Receipt of the original remittitur in the above case is hereby acknowledged.

Dated:

Trial Court Clerk

By:
Deputy Clerk

cc: See Mailing List

IN THE
Court of Appeal of the State of California
IN AND FOR THE
THIRD APPELLATE DISTRICT

MAILING LIST

Re: Chavez v. Chavez
C090325
San Joaquin County Super. Ct. No. STAFLDWC20140005424

Copies of this document have been sent by mail to the parties checked below unless they were noticed electronically. If a party does not appear on the TrueFiling Servicing Notification and is not checked below, service was not required.

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